

SOCIAL RESEARCH

AN INTERNATIONAL QUARTERLY
OF POLITICAL AND SOCIAL SCIENCE

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Social Research

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July 1955

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COMMENCEMENT, 1955*

BY GEORGE F. KENNAN

UNTIL very recently there was a standard and traditional theme on which commencement speakers rang the changes to the best of their respective forensic and philosophic abilities. This theme departed, either explicitly or implicitly, from the proposition that our American civilization was an exceptionally well-ordered one, providing almost unlimited opportunities for the development of the talents and the pursuit of happiness. Against the background of this proposition assurance was extended to those about to leave the halls of learning that if they practiced certain personal virtues—such things as honesty, thrift, enterprise, and a faith in high ideals—they could not fail to achieve a rich and happy life in this world. The fathers of our society, in other words, were portrayed as having done an excellent job in providing a framework for human living. There could be no complaint on that score. It was now up to the individual to take advantage of it. If he failed to do so, he had only himself to blame. But if he evoked from within himself the requisite qualities (and this, mind you, was only a question of will power), then self-fulfillment was practically assured. It remained for the commencement speaker only to define these requisite qualities; to strengthen confidence in their efficacy; to give inspiration and good hope to those embarking on the path of adult life.

Obviously, I have no quarrel with the individual components of this thesis. I share the belief that the founding fathers did an excellent job in the designing of our society, especially considering the limited extent to which they could foresee its future development. Least of all have I any desire to take issue with the virtues of honesty, thrift, or enterprise, or to plead for a lowering of ideals.

* EDITORS' NOTE—This is the text of an address delivered by Mr. Kennan at the Commencement exercises of the New School for Social Research on June 7, 1955.

But there are certain reasons why, as a commencement speaker of the mid-1950s rather than the 1920s, I find myself unable to employ this time-honored formula. These reasons seem to me to be, when one looks at them closely, indicative of some of the more important changes that have come over our lives and our outlooks in the thirty years since I myself left college. Therefore I want to describe them to you (there are only three that are important), in the hope that the recognition of them will bring us closer to our common task of the hour, which is, as I see it, to gain a better understanding of the relationship between the higher education some of you are now completing and the realities of this particular context of time and place in which all of us are fated to seek the meaning of life.

I

In the first place, there are certain traditional visions of self-fulfillment which, as I recall it, used to be commonly held out to young people, but which a person of my generation finds it difficult to accept in their entirety. I am referring here to the possibilities for happiness and self-realization in the purely personal and subjective field—in the development, that is, of the individual personality both within itself and in its relations of intimacy with other individuals. Former generations of Americans had a high degree of confidence in these possibilities. They had derived this, together with some of their political beliefs, from the romantic movement of Europe's nineteenth century, with its exalted idealization of the individual personality, and its corresponding portrayal of personal attachment between individuals as the greatest potential source of human happiness. This romanticism has survived to the present day, almost unmodified, in a portion of American folklore and particularly in our stupendous output of commercialized entertainment, except that here it always has an optimistic ring, whereas in Europe it was generally conceived as tragic.

But in this respect, too, time—I am afraid—has wrought its

changes; I, for one, could not honestly encourage you to place on this personal world, important and promising as it may be, the same exalted hopes which our popular fiction and screen drama might suggest it to warrant. Others, I am confident, feel the same way.

Why is this? I am not sure any of us understand too well why this change has come about. Perhaps our modern sense of humor has something to do with it—for romanticism and humor are like oil and water. Then, too, the modern psychology has played its part. The psychologists have demonstrated certain things of which the ancients were excellently aware: namely, that greatness is never more than a partial attribute of the human personality (no man being, as they used to say, a hero to his valet); and that there is no such thing as a permanently uncomplicated relationship between any two human beings. Beyond this, the totalitarians, with their tortures and brainwashings and their shameful experimentation on the borderlands of human endurance, have also taught us some sad but unforgettable lessons about the fragility of the human personality—about the pathetic way in which its dignity and integrity are dependent on such elementary things as sleep and food and company and some minimal ability to gauge the future and plan for it.

These lessons need not weaken our concern for the elevation of the individual or our faith in the principle of love that stands at the center of so much of western religious thought. But they do make incumbent upon us, it seems to me, a greater modesty in the assessment of man's individual nature—a recognition that man is not super-man, never can be, never will be. It obliges us to recognize that a portion of our own nature must always stand in tragic conflict with the discipline of civilization in which we prefer to live, which means that there will always be an element of tragedy in human affairs. It obliges us to recognize, finally, that the physical and spiritual sides of human affection, while they often go together for a time, have each its own law and its own necessity, and rarely combine to produce in permanence that

state of transcendent happiness which our popular fiction and screen drama, following in the path of the romanticists, would have us believe is just around the corner.

II

The second of the reasons why I cannot hold out to you the same sort of assurance that used to be dispensed on these occasions is a very familiar one, about which people have thought and spoken too much, if anything, in these recent years. I am referring to the state of international insecurity in which we now live—in short, to the danger of war.

I am personally convinced that those whom we have recently come to regard as our adversaries have no more desire for such a war than you and I have. They want other things to which, thus far, we have found it impossible to agree; but they don't want another world war.

Now of course wars *can* come, and do, even when nobody wants them. But the fact that nobody does want one is a tremendously hopeful fact, to begin with; and it means that we have a better chance than many people suppose of avoiding war, if our policies are wise and moderate, coupled always with vigilance and with the maintenance of conciliatory, unprovocative strength.

Whether our policies *will* be that is a question of the degree to which a democracy will be able to develop maturity of statesmanship, which in turn means depth and subtlety of understanding, privacy of deliberation, and concentration on the long-term rather than the short-term effect.

These things come hard to a democracy. It is true that we have not done so badly, considering where we started, and when. But we are not yet out of the woods. The demagogues and philistines, though hushed and momentarily humbled, are still with us and their influence is still dominant in certain phases of our national behavior. Some of our international opponents are arrogant, inexperienced, and irresponsible people. Thus the

danger—partly external but partly from within ourselves—has not fully passed. And in the day of atomic weapons, this is a terrible danger, indeed.

We have no need to lose our sense of proportion or our love of life on this account. The enormous life expectancy that modern western man enjoys is, after all, something quite new and revolutionary. As little as two or three centuries ago, life in Europe was no doubt fully as hazardous, though for quite other reasons, as it is in our time; yet in those earlier centuries, people still contrived to lead full-blooded lives, rich in belief, in expression, in creativity.

Let us take a lesson from these forefathers, and learn to face life with the same unhesitating affirmation that they exhibited. We need not be forgetful of the danger; and we should certainly never cease to work patiently and wisely for the lowering of international tensions. But it need not be a source of morbid fatalism or pessimism to us if this danger or uncertainty cannot be circumvented all at once. It is important, of course, that our lives should not be tragically and brutally cut short by war before our work is done. But what is more important still is that in whatever span is given to us we should live richly and to the limit of our capacities. For this, it is not essential that life be long; it is only necessary that it be real and have meaning.

III

This brings us to the last of the reservations I mentioned at the start of this discussion. It is the one which seems to me the most troublesome, the most difficult to describe, and the most serious—even more serious than the danger of war. I have in mind the question whether our American civilization of the year 1955 is well designed to produce the rich and meaningful life.

We have always gone on the theory that an increase in the amount of material goods and leisure time gave the individual a wider area of choice by which to make his own inner life rich; and it has been part of our traditional philosophy that the indi-

vidual, confronted with this choice, would know how to use it wisely. These were the assumptions that lay, so to speak, at the end of that rainbow of material progress we followed through the first century and a half of our national history. But we are now approaching the end of this rainbow, in the sense that material plenty is really there for almost all of our citizens who are not too lazy or too improvident to seek it. We are getting enough evidence today to examine the validity of these underlying assumptions. And the results of this examination, so far as I am concerned, are not encouraging. I am *not* sure that the area of choice for the individual is really made wider by the conditions in which our material plenty is being achieved. I am *not* sure that the mass of our people know how to make good use of that choice, where it exists. And consequently, I question whether material abundance alone, as we have sought it heretofore and are rapidly coming to know it today, is really bringing us the results we hoped. I question whether it is making us a happier—and inwardly a richer—people.

I am at a loss to know how to argue that proposition in the few words to which I must limit myself. Nothing is harder than to discuss the inner world of a great people such as ours, with all its immense variety and complexity. No scientific proof is possible. All judgments are necessarily subjective, intuitive, and imperfect. Yet these questions must be asked. I can only say: look around you. Look at the state of our youth. Look at the faces you see behind the endless streams of windshields on our highways. Look at the state of our education, our recreational habits, and our cultural life. And then ask yourselves: are these people as happy as they ought to be in the face of their material abundance? Are they *that* much happier than people elsewhere who do not have this abundance? Are they *that* much happier than the Americans of earlier generations, for whom this abundance did not exist? Has their spiritual advance really kept pace with their material advance?

If you can answer these questions in the affirmative, then you

are yourself a happy person; I give you my congratulations and absolve you of any moral obligation of attention to the remaining portion of this discussion, for we will be departing from different premises. But if, like myself, you find yourselves obliged to answer these questions with a decided negative, then you will have to bear with me in my concern and to join me in asking why all this is so, what it is that we have failed to take into account in our calculations of the past, and what this means to us for the future.

Two factors loom up in my mind as central ones in connection with this failure of material progress to bring us greater benefits. First, there is the disintegration of real community life almost everywhere, as a result of the revolutionary innovations in transportation and communication that the last half century have brought us. Secondly, there is the growing domination of cultural and recreational activity by commercial media, usually connected with the advertising profession, whose motivation has little, if anything, to do in the deeper sense with human welfare.

This last process, as you know, has a wide variety of distressing effects. By making advertising the main business of our newspapers, overshadowing physically and financially the other function, commercialism has affected in unfortunate ways the freshness, the independence, and the competitiveness of our press—once a mainstay of the vitality of our society. Periodical publication it already dominates. By its great appetite for such things as film and reprint rights and condensations, it is threatening to dominate the field of literary publishing, thus far a last refuge of genuine cultural values. Concerned to divert rather than to develop, the commercial cultural product has led to passivity of recreation—to spectatoritis—on an appalling scale, dulling the creative faculties of millions of people, undermining the very talent for active recreation. It has invaded the home. It has asserted its dominion over the minds of small children, crowding the school and appropriating to itself a major role in the actual educational process. With its characteristic staccato patterns, its

lack of follow-through, and its endless abrupt transitions of theme, commercial entertainment has tended everywhere to weaken the faculty of concentration and to debauch the capacity for sustained and orderly thought. At the back of all this is usually, though not always, advertising. Thus in ever-increasing degree the right of monopolizing our attention, of absorbing our capacity for intellectual and emotional reaction, of shaping the habits and the imagery on which our thought depends, is being claimed by those whose primary interest in us is only the influencing of our conduct as purchasers at the shopping center.

I have no quarrel with the advertisers. I know that many of them are personally distressed about these very same things. I do not say that their business purposes are in any way evil or reprehensible. But I do say that these purposes are irrelevant to, and wholly out of accord with the importance of, those human reactions they are using as a means to their end. It seems to me preposterous that cultural and educational stimuli of such enormous importance, exercising so intimate and vital an influence on the inner world of our people—on their comprehension of life and their attitudes toward it—should be left in permanence to the conscience of an industry the nature of whose interest has so little relation to the things that are really at stake.

The effects of the other factor I mentioned—the disintegration of local community life—are scarcely less alarming. Here the automobile, ubiquitous and triumphant, has been the principal disintegrating agent. What we are faced with is, as you know, not only a disintegration of the local civic community as such but also a fragmentization of the family group, to a point where the home loses its integrity and becomes a fortuitous dormitory for strangers of different age groups. There could be no more bitter blow than this at the true sources of man's security—no surer guaranty of his bad behavior. And even if this were not at stake, the deterioration of the local civic community itself would be bad enough. The meaning of citizenship begins with the neighborhood; and when this type of community begins to lose

its reality for people, then I for one have no great confidence that they will be good citizens in the wider frameworks of the state and the nation. Yet it is hard for the local community to retain its vitality when violent changes are constantly occurring in its composition and function; when the disorderly and uncontrolled development of our great urban areas is constantly rendering physical equipment obsolete and unsuited to new purposes to which commercial interests dictate that it should be put; when administrative boundaries no longer have even a remote relation to social realities; when residence is being separated from livelihood by ever-increasing distances and time intervals; when the reckless and growing dispersal of all facilities for living tends increasingly to pull people away from their homes, to fragmentize their interests, their allegiances, and their civic influence; and when, finally, it becomes increasingly difficult for the individual citizen to survey and apprehend the social context in which his life proceeds, and by which the real prospects for his happiness and that of his children are largely determined. These things are happening—and happening all over our country. We have been, as a nation, extraordinarily obtuse to the importance, from the standpoint of the deeper satisfactions of those who use them, of the sheer geographic arrangement of the facilities for life and work. As in the case of our educational and recreational facilities, we have lightheartedly resigned the control of these things into the hands of people who are perfectly worthy people and doing nothing reprehensible, but whose interests, being purely commercial, do not even take into account the need for the preservation of the health and integrity of the local community itself. Today we see all around us the chaotic and depressing effects of this failure on our part to insist on public responsibility for the control of processes that are certainly matters of public concern in their effects.

These are all facts that limit in important ways that freedom of choice which, by tradition and by the theory of our society, the individual citizen was supposed to enjoy and by virtue of which

he was supposed to have been the master of his own fate and his own happiness. And it is because of things like this that our American environment has become in certain ways a dangerous and unhealthy one—not conducive to the best development of the individual, either for his own sake or from the standpoint of his value as a citizen. This is why I think that some day we are going to have to come to a new social philosophy, which will go deeper into the true sources of man's prosperity than does our traditional attachment to free enterprise or does, for that matter, socialism, or communism, or the rationale of the European welfare state. This new philosophy will have to take account of the fact that the satisfying of man's material needs is only the beginning, and does not answer, but only opens up for the first time in all their real complexity and difficulty, the crucial questions as to what environmental conditions are most favorable to man's individual enjoyment of the experience of life and to the dignity of his relationship with other men.

These are the questions we have not yet learned to ask ourselves, as a political society. We are going to have to ask them, and to find answers to them, before we will dispense with such things as personal insecurity, urban blight, civic apathy, juvenile delinquency, and mass cultural vulgarity. Until we do this, we will continue to be, as we are now, not a bad people or a weak one or even a consciously unhappy one, but an endangered one—a people in danger, at least partially, of becoming sluggish intellectually, underdeveloped emotionally, creative only where commercial interest raises its capricious demands, filled with an inner restlessness and dissatisfaction, incapable of integrating our full strength and of bringing it to bear where it is most needed, dull and uninteresting to others and, what is worse, not terribly interesting to ourselves.

I exaggerate, of course. I know of no other way to make the point. I am aware of the immense resources of strength in our people. It is precisely because I am aware of them that I am so concerned that they should be released and not frustrated or

stultified. I know that there are great areas of American life relatively unaffected by the conditions I have mentioned. I know that there are places where people are reacting with courage and imagination, in ways tremendously encouraging, to precisely these dangers. I can never move about in this great country, which I love as deeply as the next man, without being whip-sawed between discouragement and a hopeful excitement.

But I want to emphasize that where people *have* taken up the struggle against these powerful compulsions of our time, which our political system has failed to see or prevent and to which it has shown itself frighteningly indifferent, they have had to do so as individuals, acting on their own perceptions and their own initiative, swimming against the tide. And the burden of my message to you today is that you, too, will have to become conscious of the existence of these dangers and compulsions and to learn how to resist them, individually or in voluntary association with other people—you, too, will have to apply your will, your ingenuity, and your initiative—if you are to defend, against an unfavorable environment, the privacy and quietness of your inner world, if you are to give yourself a chance for creativity and self-fulfillment, if you are to retain around you those elements of true community, both personal and civic, without which even the strongest man finds it difficult to express himself, and without which the child—the adult of the future—can hardly develop at all.

As things are today, you will not get much help in meeting this problem. Government, by and large, will be able to help you very little. Press and radio will not help very much in it. Your greatest aid will be your education, which will give you the requisite understanding; but even education cannot give you the will or the courage. For all of that, you, like the rest of us, will be on your own. On your success in this obscure and perplexing battle, and on the success of millions like you, rests the future of the American soul. And there, more than in any statistics of economic expansion, lies the real future of America.

TRADE UNIONISM AND COLLECTIVE BARGAINING IN ITALY

BY J. A. RAFFAELE *

WITH the exception of the recent provocative works by Kerr, studies on foreign labor movements have relied heavily on historical narrative and chronological development of factual data. There has been little speculation on a new and basic problem in the field of labor economics: the application of universal, interpretive criteria, crossing national boundaries and serving as a tool of comparative analysis and evaluation. The literature on the Italian labor movement is no exception. Apart from Neufeld's highly technical account of Italian shop committees and Clark's analysis of Italian labor mobility, the existing works are in the main historical summations of the fortunes and policies of trade-union confederations and the different governments with which they have dealt. There are no accounts whose locus of observation is collective bargaining and whose purpose is to delineate and evaluate the critical ingredients of that process.

Observations of foreign labor movements are influenced by the national orientation and training of the observer and the degree to which his explorations are pursued under the official mantle of state. Thus the bias of American collective-bargaining experience, combined with the attitudes and feelings that the issue of communism generates in Americans, can easily influence perceptions of Italian collective bargaining. And the formal cross-relationships between the American and Italian governments may have the effect of creating a biased selectivity of experience for those observers who rely heavily on governmental services and

* AUTHOR'S NOTE: I wish to express my gratitude to those in the Italian labor ministry and in industry and the trade unions, and particularly to Professor Luisa Sanseverino in the labor attaché office of the United States Embassy, who provided data and interview time. In addition, I am indebted to those who arranged for me to talk to labor leaders of the Italian Communist Party.

communication lines. This of course operates both ways. Thus the Italians' own strong attachment to juridical solutions of labor problems influences their grasp of the pragmatic accommodations characteristic of American collective bargaining.

Consequently the postwar shuttling of American students and labor practitioners in Italy has produced few perceptions of quality and little cross-fertilization of ideas. Out of the rush of American advisers in Italy has come a spate of suggestions designed to remake Italian labor relations in the American image, the wherewithal being only the necessary funds. This optimism is strengthened by a tendency to stereotype communists as composites of the neurotic, the criminal, and currently fashionable qualities of the devil. But it is doubtful whether the proposed solutions, arising from the successive accommodations of the parties characteristic in American collective bargaining, are applicable without regard to the historical sequence of labor relations in the United States and the pattern out of which they have arisen. Labor policies for Italy, such as union-management co-operation, must be viewed in the light of the historical development of collective bargaining and existing attitudes of the parties themselves. For many Italian workers the idea of cooperation is an absurdity, while employers view it as no more than a manifestation of good intent by the discreet furnishing of suggestion boxes for their employees.

Factors operate in Italian labor relations which make for differences from the American in structure, method, attitudes, and goals, and which prescribe amenability to change in given directions. Collective bargaining in Italy is incomprehensible if viewed apart from the political and economic stalemate in which it operates. It has had to develop in an atmosphere in which one party is zealously bent on using it as an instrument of radical social reform while the other is equally spirited in preventing any such thing from occurring. Acceptance of the other party's point of view is unlikely when on one side of the bargaining table are negotiators pursuing a policy of developing class consciousness

and on the other are men aware that their conduct is viewed as against the interests of society.

Italian trade-union structure is more adapted to political activity than to the achievement of the best possible economic bargain from employers. The locus of power is in the confederations rather than in the various national unions, and bargains are made with employer organizations quite remote from the needs of individual plants and companies. Even at the plant level, the machinery for worker representation acts to produce a competition for leadership based on differences in political thinking rather than on trade-union efficiency.

The basic Italian trade-union objective—like that of the German unions, as shown in Kerr's analysis—is a shift in power and the raising of the status of workers and peasants. The free trade-union movement seeks these goals through collective bargaining and through modification of basic rules of the game without increasing the power of the state. But the free trade-union movement, embodied in the CISL, the Confederazione Italiana Sindacati Lavoratori, is still a weak facsimile of an older, more powerful structure, the CGIL, Confederazione Generale Italiana Lavoratori, whose leadership is in the hands of competent, aggressive, and dedicated communists. The communist confederation's objective is proletarian control of the state and subsequent socializing of the economy. Political overtones persist, and nothing exists to date that will encourage significant defections from the CGIL.

In this article the propositions cited will be developed by an analysis of the following factors affecting Italian collective bargaining: the political climate, labor organization, the employers, and the characteristics of the labor force.

Political Climate

Italy today is faced with deep and complex problems impervious to voluntary solutions by those groups having a vested interest in them. The existence of these problems has created an intense

political consciousness and intransigence. In proposals of radical change in the existing order of things, the stakes are high for both the prime movers and those being moved. Little quarter is given or expected, and leadership falls into the hands of men with ideological axes to grind, disposed to secede from existing political groupings at the slightest suggestion of contamination of ideological purity. When this characteristic is coupled with the intensely individualistic character of the Italian, always disposed to perform his individual pirouette whenever the opportunity presents itself, the diverse political groupings become intractable.

Like the colors of the spectrum, the political divisions in Italy are seven. From left to right are the Communist Party, probably the most dynamic; the left-wing Socialists, whose only current difference with the communists is in the existence of a separate hierarchy; the Democratic Socialists; the heterogeneous governing Christian Democrats; and then Republicans, Liberals, and two varieties of the genus Fascist.

At each end of the band are parties that cannot aspire to power without the danger of violent reaction. The growing power of one increases the menace of the other, but on rare occasions they find themselves collaborating against solutions suggested by the majority coalition. Thus democracy has to work in a political alignment in which almost half of the electorate are political outcasts and can neither legitimately aspire to power nor participate in the drawing of accommodations.

The deep incursion of Marxism in Italy can be understood as providing Italians the means of most effectively articulating their conviction of the injustice of their society. It is not the result of any ideological exercise, and if the majority of Italian workers vote communist or left-wing socialist, to them it is the only avenue of liberation.

Fascism was an important agent in the development of communism. Insisting for twenty years that they had saved Italy from the communists, the fascists destroyed the socialists, liberals,

and militant Catholics in the process. Communism became a rallying point for those who were not fascist and who desired to work clandestinely in behalf of liberty and justice. The communists played an important role in the partisan movement during World War II, and by the time of the first free elections in 1946 they had accumulated great prestige and success. The result was the failure of democratic socialism for the second time in Italy, and the capture of the labor movement by the communists.

A democracy is likely to become inoperative if no minority party exists that can aspire legitimately to power and can occasionally win such power without fear of recriminations. There is little likelihood of such minority strength in Italy. The leadership of the party that has been in power since the collapse of fascism, the Christian Democrats, is composed of a mixed group of teachers, employers, churchmen, writers, and labor leaders. Their politics run from conservative to new dealish, and their vote-getting ability is increased by the people's conviction that voting for them increases the assurance against communist victory. Not having a majority in Parliament, they continue in office by support from members of the Democratic Socialist, Liberal, and Republican parties.

The communists control 25 percent of the Chamber of Deputies. As a result of right-wing secession from the Socialist Party, the remainder of that organization became wedded to the communists, thus increasing the strength of the left to 37 percent. By adding the votes of the rightist parties, the anti-democratic strength in Italy is raised to approximately 50 percent.

In some areas of Italy the left-wing strength is much greater. In the cities of the province of Tuscany the great majority of the mayors are either communist or left-wing socialist; 80 percent of the electorate in one fairly large city vote for the Communist Party. Communist power has declined somewhat in the north, but it is still great among the sharecroppers, and in southern Italy it is steadily increasing in effectiveness.

A result of this diffusion of political strength is the difficulty of coalescing sufficient power to push through certain reforms without which collective bargaining cannot work. The insistence on ideological neatness within political parties makes it difficult to amass a political group that could effectively compete with the party in power. The Christian Democrats evolve as the only party that can assure the continuance of democracy and the Catholic faith. Any radical change is rendered unlikely by the opposing forces within that party itself, and by the illegitimacy of the left, which represents a majority of Italian workers. The left attracts but immobilizes capable men, for by virtue of their political identification they are unable to play a positive role. Nor can the center move forward too abruptly without causing the collapse of the coalition.

There is not much flexibility on the right either. It has attracted a considerable number of the former fascist bureaucracy, men who yearn for a return of order and neatness in the social fabric. With them are the landowner and money-lending gentry, particularly of the south, and the monarchists. Women and southerners, generally, have the reputation of being impressed by the paraphernalia of royalty, looking upon a king as a patron father. Both appear to be highly susceptible to the emotional political rhetoric and mumbo-jumbo for which the fascists and monarchists have a special talent.

The device of voting for a party list precludes the possibility of crossing party lines and voting for specific individuals, thus strengthening the voter's identification with a single political party. Nor is there any individual control of the composition of these lists, such as is provided in some measure by the primary technique in the United States. The Italian voter has an opportunity to specify choices within the party itself only through the operation of proportional representation.

No collective-bargaining law stipulating the rights and responsibilities of the parties exists in Italy, and the prospects of passing such legislation at this time are meager. It is unlikely that those

who hold the balance of power would support a law to promote collective bargaining as long as communists dominate the labor movement. To be sure, both the employers and the free labor unions may expect some gain, the former through some control on the strike; and the latter possibly through measures putting teeth into the grievance procedure and requiring employers to bargain collectively. But the price both have to pay is only too apparent, and the prospect of that undiscovered country of future contingencies makes them, like the melancholy Dane, bear the ills they have rather than fly to others they know not of.

Deputies who sympathize with employer points of view would be willing to support a labor law designed to aid the CISL, but only with drastic strike control as a quid pro quo. Existing bills would make the taking of strike votes mandatory, require arbitration before taking strike action, and forbid strikes of public employees. What disturbs the deputies is the possibility of a shift in political power which might engender interest in regulating the right to close plants, to hire strikebreakers, and to provide penalties for contract breaking. The American technique of exclusive collective-bargaining unit representation by one labor organization is out of the question, since such a device would have the effect of strengthening the power of the CGIL. Confindustria, the employers' association, has sufficient friends among the various center and right parties to keep close vigil. And so have the two labor confederations. The result is an annual ritual of extensive proposals and sudden burial at the close of Parliament.

The government has, however, a considerable role in the setting of labor standards that provide a base for collective bargaining. It operates a complete system of social insurance, including sickness, accident, disability, old-age, and survivors' insurance, and tuberculosis and family allowances. Minimum standards are set for hours of work, vacations, the employment of women and children, conditions of work, and apprenticeship rules. In addition, special laws are applicable to particular industries, such as shipping and railroads.

Labor Organization

Four labor confederations exist in Italy, reflecting four shades of political thought. The CGIL comprises 70 percent of the labor movement; its top post is filled by a communist, DiVittorio, ex-sharecropper and a member of Parliament, considered by communists and opposition alike to be a man of prodigious energy and humanity. Next in order is the Christian Democratic CISL, favorite of American labor, controlling some 20 percent of trade-union membership; twenty-five members of the Chamber of Deputies belong to the CISL. The UIL, Unione Italiana del Lavoro, is socialist, its 5 percent mustered principally from skilled workers, and apparently is not "going anywhere." Last in order is the fascist CISNAL, Confederazione Italiana Sindacati Nazionali del Lavoro, which has attracted civil-service employees that were former functionaries of the fascist regime.

In a way the relative strength of these organizations is a barometer of shifts in the political balance of power. Any movement among the confederations is likely to be reflected in changes in the alignment of Parliament. It is probably impossible, however, for the left-wing coalition to reach a majority. What is more likely is that an increase in communist parliamentary strength to a figure of approximately 42 percent will force a new coalition that will have to include the fascists.

The current attitudes and structure of trade unions in Italy are colored and influenced by their history. It was the influence of Marx that made the Italian labor movement a device designed to challenge the government. But the corporate state of Mussolini made unionism an agency of the state, whose purpose, together with that of employer associations, was to implement and administer labor law. The inheritance of the two divergent influences is ironic, especially when one contemplates that the Italian labor movement, designed to have intimate associations with the state, is controlled by individuals hostile to it. A policy of business unionism is unlikely once trade unionists have learned to use union machinery for the purpose of achieving objectives in the

political arena that are not available to them through collective bargaining.

While accommodations with employers may afford some temporary relief, the ultimate solutions are sought in the state. This is the case even for particular groups of workers that are relatively better off than others. Of the 13,000 sharecropping families in central Italy, 12,000 belong to the CGIL. Generally they eat well, no small accomplishment for Italian labor. Yet they are wedded to the communists, led to them by feelings of inferiority and by suspicions of the justice of a system that is still strongly mediaeval.

The CGIL approaches any given collective-bargaining situation with an eye to its political possibilities. Provocative situations between industrial and agricultural laborers and their employers are exploited to advantage. A mine explosion resulting in injuries invokes a call to punish the criminal employers and those in government secretly conniving with them. This does not, of course, serve to increase confidence in employers or in the government, which has always managed to be considerably shaky in Italy in any event.

The CGIL states its objectives as follows: to defend the professional, economic, and moral interests of all workers; to increase progressively their living standards; to work for new rights up to the complete emancipation of workers; to raise the cultural and technical level of workers through free public instruction and public cultural societies. Two other goals are stated: a comprehensive program of social insurance; and the control of state employment offices by labor organizations. This uplift unionism views collective bargaining in regard to the terms of employment as a limited instrument. Article 5 of the constitution specifies the principal methods for achieving CGIL goals: *agitazioni*, or militant union political action on local, provincial, and national levels; and joint action of all unions in the economy whenever necessary.

The use of Article 9 of the CGIL constitution as a device for opposing the Marshall plan led to a split in the labor movement

three years after its organization by the Allied Military Government. The constitution affirms that the CGIL is independent of any political party, and that no intrusion by any political group will be tolerated. But Article 9 contains the following clause: "Labor organizations' independence of political parties and of the state does not mean agnosticism on the part of trade unionism in problems of a political character. The CGIL can assume a position on political matters that do not concern a particular party but are of general interest to all workers, such as the defense of the Republic, the development of democracy and liberty, and matters pertaining to social legislation and to the economic development of the country." A majority of the CGIL interpreted this clause as legitimatizing their desire to commit the confederation against the Marshall plan, and the minority "took a walk."

The importance of confederate organization in Italian trade unionism reflects labor's comparative weakness and its different methods and purposes. Both the CGIL and CISL have provincial offices; here all the area trade unionists of the respective labor organizations are brought together, and they report directly to the confederation. The collective-bargaining function is shared by the confederation, the provincial offices, and the particular trade unions. In addition, the regional offices process grievances, oversee the enforcement of labor law, and spend a considerable amount of their time in organization. Thus, unlike American experience, a major part of contract writing and administration is done by the confederation.

The governing bodies of both confederations are divided along functional lines, headed by a **Secretary General** as chief executive officer. In the CGIL the top six offices, shared equally among communists and left-wing socialists, are those of the Secretary General and of five secretaries in charge of Research, Press and Propaganda, Organization, Collective Bargaining, and Culture and Social Assistance. Organization and Collective Bargaining are headed by communists. All six officers are selected by the General Executive Board, the members of which in turn are chosen by

the convention. The secretarial offices of the CISL are Legislation, Collective Bargaining, Organization, International Affairs, Press, and Research and Education. They too are filled by an executive board responsible to the convention. As organizations theoretically independent of any external political or ideological influence, these operating bodies are committed to the following objectives: a progressive increase in the living standards of workers; full employment; and the participation of workers in the planning and control of all economic activity.

The following is a translation of part of Article 2 of the CISL constitution, which states the principle that these goals are to be pursued "with the free exercise of trade-union action within the democratic system, and that labor organizations should separate their responsibilities from those of political groupings, from which they differ by nature, goals, and methods. The confederation intends to maintain itself completely free of any external influence, and to assume an autonomous position in its relationship with the state, with governments, and with political parties."

In any joint enterprise pursued by Italian trade unionism, the selection of the leadership and the hammering out of appropriate policies induce an alignment of political groups which makes difficult any choice based on individual evaluations. This immediate polarization forces the various advocates to go their separate ways. Confederations compete for the selection of leadership at the plant level, on the basis of party lists offered to the rank-and-file, and selections are made on the principle of proportional representation. This increases the probability that leadership will have a political character, and makes it difficult to push up into the union hierarchy individuals who can serve the immediate needs of the rank-and-file. Political parties are given easy access to leaders who have been properly labeled. The strong identification of labor with political parties committed to programs in which the stakes are high provokes a crystallization of rival political forces, not only in the rest of labor but in the body politic generally, sharpening class alignments all around.

The Employer

The limited outlook of the Italian employer issues from a series of factors going back to Italian unification a hundred years ago. He has had to operate in an economy where the usual order of things has been monetary instability and political turmoil. The high rewards of the present have been more attractive than those that might accrue in the future. His acceptance of fascism makes him suspect today, and puts him in a defensive position in which he becomes culpable even for the scarcity of resources in his country. He is keenly conscious of the ideological intentions of some of those who bargain with him in behalf of his employees.

Limitations to opportunities have stratified managerial positions, and incumbents are more impressed with hereditary rights of office than with social responsibilities or with the sense of national consciousness that has to be assumed. Managerial and employee classes are kept apart by the differences in the language they speak. They go to separate schools, if workers go at all, and the latter often speak a dialect incomprehensible to their employers.

There is mutual fear and suspicion. Little or no communication exists, other than that arising from the operation of plant committees. The people that face each other are conscious, however, of their political differences. The role of the employer becomes that of the inflexible conservative with no counter-proposals to offer, suggesting that the demands of the opposing party would create chaos and that economic law is more binding than human law.

Industrial and agricultural employers are organized into two solid phalanxes, Confindustria (Confederazione dell' Industria Italiana) and Confagricoltura (Confederazione Italiana degli Agricoltori). Contracts of the latter cover nine million agricultural workers and their families. Organization is both vertical and horizontal: all employers in the same industry belong to their own national federation, which is affiliated with the confederation in Rome, while all the employers in a particular region associate

themselves on a cross-industry basis. In this way both labor and product markets are covered, and an effective technique for employers in collective bargaining, organization, and group policy is used to full advantage.

Confindustria was organized in 1919 as a defensive mechanism against the older labor confederation, the CGL (Confederazione Generale Lavoratori), to which the communist unions trace their ancestry. Confindustria succeeded in amalgamating all the existing employer associations, and in encouraging further organization. Its objectives were to aid employers in their economic problems, including foreign trade, to influence labor legislation, and to bargain collectively for its members.

Some one hundred employer associations eventually joined the confederation. While not all employers are affiliated today, practically all of the large firms in the major industries belong, and in effect they determine minimum standards for the majority of industrial workers. Generally, a particular employers' association signs a contract for all the members in the industry. In some instances multiple-industry contracts are written, and from time to time—on important national issues such as cost-of-living wage policy—Confindustria will bargain for all employers in the economy. Contracts by individual firms are rare.

Confindustria employers suggest the following as their major problems and policies. First, the burden imposed on them for social assistance to workers—which they estimate at 40 percent of payrolls, with one-tenth of this amount contributed by workers—diminishes the possibility of hiring young, unskilled workers in any numbers, because of fixed costs during their training period. Second, wage increases should be consistent with increases in national productivity, but how this criterion of wage determination can be implemented has not been fully explored. Third, the assumption of management rights by labor organizations is excessive and unjustifiable. Fourth, labor relations are handicapped by unions whose actions tend to destroy the firms they deal with, and by labor leaders who are primarily political leaders with poli-

tical ambitions. Fifth, collective-bargaining law should require that labor agreements be applicable to all employers, regardless of whether they are parties to the agreement. And sixth, restrictions should be imposed by law on the right to strike.

Almost half of the Italians work on the land, and several hundred thousand of their employers belong to Confagricoltura. Agricultural workers belong to CGIL, CISL, UIL, or CISNAL, the biggest representation being found in the communist CGIL. Agricultural society in Italy is old and complex. Generally speaking, agricultural workers fall into one of the following categories, for which Confagricoltura writes separate contracts: casual laborers (*avvertizi*), who are probably the most wretched of all the agricultural workers in Italy; contract laborers (*salariati*), who work on a fixed wage and commit themselves on an annual basis to a particular employer; sharecroppers (*mezzadri*), who share staple crops equally with the landowner, and live on the land with their families; *coloni*, a special variety of sharecroppers, who live in villages outside the confines of agricultural properties and do not work the land on a family-unit basis; and finally, those who rent land (*affittuari*), whose income is the difference between the rent paid and the prices obtained for their products.

Fascism incorporated the employer associations into the government structure, making them, along with the labor organizations, an agency of government with the function of formulating and administering labor law. In fact, the juridical value of contemporary contracts stems from experience under fascism, the present government holding that collective bargaining agreements automatically bind all members of the employers' associations.

Lawyers are found in considerable numbers in the employers' associations, and also as personnel directors in individual firms whenever the personnel function as such exists. Like the attorneys of other lands, they are wont to charm themselves with tortured legal analyses of employer relationships, and with brilliant tours de force which properly defend positions previously taken but remain unconvincing as articles of persuasion. It is not insignifi-

cant that some ex-socialists, keenly aware of what troubles the spirit of the Italian worker, have had significant successes in discharging the industrial-relations function.

Confagricoltura opposes the land-reform program by taking the position that Italian workers are not prepared to take over the lands. It would prefer raising the production level of marginal employers, or persuading them to yield to someone else. Its arguments against the land-reform program are classic. Citing industrial parallels, the confederation makes the point that the parcels to be allotted to individual families are uneconomic in size, and that the effect is likely to be a decrease in agricultural production. The non-availability of investment funds and the inflationary possibilities of the program are raised as a second objection. A third criticism is that probably unemployment would actually increase, since small owners would rather add to the family output of labor than hire agricultural laborers. These criticisms, in the judgment of agricultural laborers, miss the point, and lecturing them on the supremacy of economic law over human law does little to assuage their feelings in the matter.

The Labor Force

In Italy there is a surfeit of common labor, illiterate or semi-illiterate, which tends to keep the national income low and foster grave social problems. The presence of unorganized cheap labor acts as a constant threat to union wage levels, and increases the bargaining power of employers. It reduces the employers' incentive to increase capital-labor ratios, and prevents the spiraling process whereby labor shortages increase mechanization, wage rates, and the national income.

Some two million out of a labor force of twenty million are unemployed, and an additional two million cannot find the additional employment opportunities that they need. Of the unemployed, 85 percent have not gone beyond the elementary grades in schooling, and 40 percent are either illiterate or semi-illiterate. Approximately half have been unemployed for six months or

more, and one-third are industrial workers out of a job for over a year.

A recent parliamentary inquiry on the extent of poverty in Italy reveals that almost a million families never consume meat, coffee, or sugar. Of all Italian families, 9 percent live in substandard barracks or caves, and 25 percent live in quarters with three or more to a room. In cities in the south, such as Naples, it is not uncommon for only three adults out of ten to be employed, with the result that one individual must support three or more with wages that more often than not are insufficient to maintain even himself above a subsistence level. In southern Italy the problem is made more acute by mores that forbid anyone other than the head of the family to seek employment, despite the existence of opportunities for others in the family group. A public-works project designed to alleviate unemployment may have the opposite effect, for it may attract new entrants to the labor force; another factor is the tremendous social pressures which force employers to retain underemployed labor beyond their needs rather than run the risk of government and community pressures.

For those who advocate increased labor mobility via a system of government employment agencies, it is significant to observe that such offices can also serve to place the movement of workers at the disposal of the state. Historically, the geographical and occupational movement of labor has been restricted in Italy by a government monopoly on job placement, which operates through a national system of employment offices and through internal migration laws that restrict the movement of workers from one region to another and from agricultural to industrial employment. The fascist government tried to execute these laws to the letter, and the statutory restrictions have since been continued; it is doubtful, however, whether the existence of these laws has led an appreciable number of Italian workers to decide, for that reason, not to change their labor-force status. What is extraordinary about the matter for some Italians is that it has taken a democratic government a decade to consider revising this form of peonage.

The existence of a large number of uneducated, unskilled unemployed and underemployed provides employers with the opportunity of cutting wage standards, often with the tacit acquiescence of labor organizations. A direct cause of this unskilled surplus was World War II, which interrupted training and made veterans reluctant to return to formal schooling after their long period under arms.

The Italian laborer is a hard worker and an insecure human being. He is keenly aware of the tragedy of losing one's job, and has a sense of inferiority in dealing with his employer. The chances are he is a socialist by tradition if not a communist, suspicious of the integrity of the government. Although a Catholic he is also anticlerical. Oftentimes he finds it prudent to carry more than one union card, the display of one or the other depending on how the tide turns.

Some workers, such as the sharecroppers in Tuscany, are convinced followers of communist leadership. In Tuscany this arises neither from a conviction of the soundness of the Marxian dialectic nor from grinding poverty, since the workers there are relatively well off. Their zeal is partly attributable to the superiority of communist organization; another factor is the communists' opportunity for propagandizing them during the long stalemate of World War II. In talking to them, however, what impresses one most is the absence of any sense of cooperating with the landowner in production, and their conviction of being second-rate citizens within the framework of an outmoded, paternalistic society.

The Labor Department has attracted competent young men aware of the problems confronting them and of the difficulties under which they must operate. In an interview with one of them, the Inspector General of the department, the following measures were outlined as a plan for reducing unemployment: an intensification of job-finding efforts on the part of five government agencies, Public Works, Agriculture, Defense, Merchant Marine, and Shipbuilding; a concentration of resources on particular re-

gions in the order of the seriousness of unemployment, with the aim of lifting the region to the national level; the establishment of pilot towns in such areas, in order to observe the reaction to unemployment relief; and raising the skill level of both young and adult workers, through training courses and financial aid supplied by the government.

The Collective-Bargaining Process

The efficacy of trade unionism can be rated by its ability to perform several functions which are either derivative means or ultimate ends. The former include a union's organizational and administrative efficiency and its ability to bring about changes in the political arena propitious to the growth of trade unionism. The ultimate end, the *raison d'être* of unionism itself, is the participation of members in the operation and ceremony of the organization, and the ability of the leadership to obtain an improved employment contract and to make it effective. The political climate in Italy, the economy, the national character and condition of labor have had adverse effects on these union pursuits. These factors have been discussed, and what remains is to take a look at the scope and procedure of collective bargaining.

The scope of collective bargaining in Italy is fixed by government and by the urgent needs of organized labor and trade-union power. It is significant to note that in determining the scope of collective bargaining the point of departure of the parties is the list of subjects stipulated by the complex code of labor law inherited from the fascists. In the United States the determination of the proper subjects of collective bargaining has been left to the parties themselves—the principal exception being the influence of the National Labor Relations Board's interpretation of what constitutes bargaining in good faith. The fascist codes, on the other hand, instructed the parties what to bargain about, and in some instances even set the minimum terms of employment.

Institutions in Europe have a way of persisting despite the upheavals of wars. Contemporary collective bargaining in Italy has

inherited a system in which government, through the device of the corporate state, fixed the bargaining procedures, provided a judicial structure for contract enforcement, and determined the scope and in part the substantive terms of employment. Once the parties implemented the mandate of government, the terms of employment that evolved were applicable to the unorganized as well as the organized. Although Italy has still to implement by statute the constitution which affirms the right of collective bargaining in general terms, she is likely to move in the direction of a collective-bargaining system that devises minimum standards applicable to all employers of labor. A system of normative labor law is thus developed in which the parties themselves legislate minimum standards for all employers in the economy.

Since World War II the most significant subjects of collective bargaining in Italy have been the organization of plant committees, layoffs, and wages. The plant internal commissions, *commissioni interne*, are not precisely comparable to American plant grievance committees. They represent on a proportional representation basis all the workers in the plant, including those belonging to the various rival confederations and those who are not organized at all. The different confederations and the independents present party lists, as in a political election. At its worst, the system pits groups of workers against one another, precluding the possibility of a technical approach to problems. The committees are not necessarily the watchdog of unionism, and in some instances individuals elected to them have led the rank-and-file out of their trade-union organizations as a protest against confederation policies.

The organization of internal commissions is subject to collective-bargaining agreement between employers and the various confederations. The original agreement after the war gave these commissions the function of handling grievances and promoting union-management cooperation toward increased productivity. Subsequent agreements have fixed the structure of the commissions and the method of electing delegates. Professor Sanseverino,

at the University of Pisa, sums up the commissions' functions, as reflected in the latest agreements, as follows: interpretation of existing agreements; consultation with management on conditions of work particular to a plant, such as work hours, shifts, vacations, and incentive systems; and suggesting to management changes to improve productive efficiency.

As for layoffs, the second main subject of collective bargaining, it is not fortuitous that Italians slip into the practice of using the same term for layoffs and discharges, for frequently a layoff means a permanent termination of employment. Professor Sanseverino cites the following reasons for dismissal found in industrial contracts: disciplinary reasons; conditions arising from changes in production methods or reduction in output; contagious diseases; inefficiency; and serious incompatibility with the work environment.

Because of the specter of unemployment and the ensuing political pressures, a large employer making mass layoffs faces the prospect of either strike action or government intervention, perhaps both. Agreements have evolved which commit the employer to consult with the internal commission prior to making a decision on layoffs. The national agreement between Confindustria and the Metal Workers stipulates that whenever management considers layoffs necessary because of changes in production or output levels, the internal commission will be so informed. The parties will examine the reasons for the anticipated layoffs, and the possibilities of avoiding them without placing a non-productive burden on the firm. The agreement between the parties will be based on objective criteria, including seniority, family responsibilities, and efficiency. In the event of inability to agree on the number of layoffs, the matter is referred to the regional offices of labor and Confindustria. The entire procedure cannot be continued beyond fifteen days. If the labor force is increased within one year of the layoffs, the employer will rehire those laid off, using in reverse order the criteria cited.

The agreement also provides that the employer must inform the

internal commission of any discharge for disciplinary reasons or inefficiency. Disciplinary discharges need not be preannounced by the employer, but any contemplated dismissal for inefficiency must be preceded by a warning to the employee and the internal commission. In either case the commission or the particular union can refer the case to an arbitrator selected by the parties. The panel first attempts mediation, and if that fails it may either find the discharge unjustifiable and reinstate the employee, or sustain the discharge but award severance pay ranging from five days to six months. Either decision can be appealed to a Board of Arbitrators chosen by the parties. Employers with twenty-five or fewer employees are subject only to conciliation between themselves and a representative of the local labor office.

Finally as regards wage scales—which are the third main subject of collective bargaining—these are in Italy a reflection of social crises and left-wing pressures as well as differences in economic power. An Italian worker's compensation consists of his base pay, incentive earnings, cost-of-living allowances based on regional retail-price indices, and several social allowances, the most important being the family allowance, for which the employer pays approximately 22 percent of payroll. The near-subsistence level of Italian laborers, combined with their political strength in labor organizations and government, has had the effect of progressively compressing the wage structure. Precise figures are not available on the average differential between the bottom and the top of the industrial wage structure, but private employer estimates place it at 35 percent, including family allowances. According to government and employer data, bargained real wages since 1938, excluding family allowances, have changed as follows: for skilled workers a decline of 10 percent; for semiskilled workers a rise of 3 percent; and for common laborers a rise of 12 percent. With family allowances included the figures would be increases of 16, 28, and 48 percent, respectively.

The relative changes in the compensation of different occu-

pational groups are reflected in shifts in compensation as between laborers and clerical workers. The real index for bargained wages of clerical workers in industry has declined from 100 in 1938 to 86 in 1954. In 1938 clerks in Italy were receiving a little more than twice as much pay as manual workers. By 1954 the average manual worker was earning 30,000 lire per month, while clerical workers were averaging 45,000.

Government figures indicate that average real wages for industrial workers have been relatively stable since 1950. For particular occupational groups, the lower the skill level, the more stable the real wage. Real wages for skilled workers have increased four index points. No changes have occurred for semiskilled and unskilled workers, while the real index for women workers has actually declined.

Differences exist between the CGIL and CISL on wage policy. The communist confederation prefers a unique national wage policy applicable to all employers, while the CISL has tried to bargain for minimum wage increases geared to a retail-price index and additional productivity increases by industry and firm. The CISL was recently able to seize the initiative by signing an agreement with Confindustria incorporating into the base pay the cost-of-living adjustments, which were assuming huge proportions because of galloping inflation in Italy since 1938. The national agreement, in addition to taking 1954 instead of 1938 as a base, has the effect of increasing employer contributions to pension funds because computations are made from base pay.

The process of contract-making and interpretation reflects the weakness of trade-union power. The strike can be used only if results can be obtained very quickly, and therefore it has to be employed both as an economic and as a political weapon. Collective cessation of work is regarded more as a token manifestation of solidarity than as a means of applying economic pressure on the employer, and is often preceded by assurances from the employer that opportunities will be provided for additional work before or after the stoppage. A sit-down strike as a means of

inducing government intervention, a work stoppage in a particular department to disrupt the sequence of production, the rigid application of shop rules, all such refinements of strike action have proved to be less costly to employees, in relation to the power they generate, than actual strikes.

The political strike, *sciopero di manovra*, is a favorite weapon of the CGIL to force government action in its behalf and to compensate partly for its political isolation. Such tactics force the CISL, because of political necessity, to indulge in similar manifestations. Government is forced to act, but in a deft manner that does not reveal its own impotence.

Concluding Observations

Italians are inadequately equipped with that balance of economic and human resources necessary for a modern economy to achieve progressive increases in real income. There is an interrelationship between the paucity and imbalance of economic resources and the cautiousness and pessimism of those whose attitudes have an influence on the national product. Living in an atmosphere of crisis and limitation, these individuals are not disposed to reorder their world promptly in the image we suggest.

Italian trade unionism is adapted, in its structure and orientation, to the pursuit of political objectives and social reform. To those American observers who are critical of this, Italians point out that free collective bargaining cannot work without necessary changes in the economy, and that this, in fact, has been the American experience. The intense political activity of Italian trade unionism is an expression of need, and to lament its presence is, in the words of Sorokin, like berating the thermometer for revealing the high temperature of the patient. Day-by-day choices of methods are dictated not as much by purism as by the choice of that tactic which produces the quickest results. And if a strong adherence to Marxism exists, it can be argued that the Marxian analysis of the secular tendencies of capitalism has greater applicability in Italy than in the United States.

The free-labor leadership is confronted with the necessity of seeking a shift in the balance of political power. The strong Catholic influence in the CISL tends to induce caution within that confederation in the pursuit of political reform. In contrast with American experience, little sympathy exists for the aspirations of the labor movement on the part of university people in the social sciences. Any increase in political power by a rapprochement between Christian Democrats and Democratic Socialists is made difficult by the unsympathetic religious stereotype each group has of the other. And the existence of a large group of political outcasts on the left leaves little opportunity for further manoeuvring.

Despite the meager results trade unionism has produced, a positive policy may exist for the CISL in a dynamic program of a return of unionism to the rank-and-file. The Italian trade unionist needs to be made more contract-conscious, and to be given the opportunity of participating in union activity. The concentration of activity at top levels has had the effect of asking people to accept policies they do not understand and about which they have not been consulted.

The success of collective bargaining in Italy is dependent on a radical shift in the bargaining power of the workers. This is likely to occur only by means of measures designed to increase the level of industrialization; improvement in the quality of government through better management and electoral reform that would allow a minority party to compete successfully with the party in power; a rise in the marginal productivity of workers through increased occupational mobility; and improvement in the quality of trade unionism and collective bargaining.

Italian experience shows that the British-American orientation on labor problems and the restricted basis of classical labor-movement interpretations need supplementation. There is a need for a broader-based psychological-economic theory of factor organization and accommodation that will allow for the interrelations of such variables as the ethnic complex, the economic-re-

sources complex, the level of capital and labor organization, the attitude patterns of the parties, and government itself, wherein all these influences express themselves. The task is exceedingly difficult. An approach could be made by a study of international labor on a comparative, inter-disciplinary basis, in which a universal frame of reference would be applied in specific foreign nations in an effort to draw hypotheses from the differences found.

Such studies could probe into many challenging questions. In view of the historical sequence of the various societies' institutions and their different attitudes and motivations, can insights be drawn by American employers and labor regarding the implications of their own attitudes and decisions? What possibilities are inherent in American labor organization and collective bargaining? What are the implications for programs designed to increase the integration of Western societies? These are but a few of the questions that a study of international labor economics can explore.

THE COMMON LAW AND INDIVIDUAL FREEDOM

BY BERYL HAROLD LEVY

OUR Anglo-American common law developed pragmatically, case by case through judicial accretion, not by reference to underlying principles of a code, like the civil law. As cases were decided, earlier cases became precedents to guide the decision by analogy. As time went on, "precedent" became the heart of the system. The everyday working rule of the law, as Cardozo put it, is still *stare decisis*, standing on precedent. According to the conventional doctrine, an available prior case squarely in point concludes the instant case. In the sophisticated formulation of the doctrine there are, of course, pyramids of conflicting precedents.

After a while certain rules could be distilled from the precedents and became crystallized around protection of life, liberty, and property. By the eighteenth century it was possible for Blackstone to publish his famous *Commentaries on the Laws of England*, which in a single work portrayed the common law as a self-contained system, complete in itself and with scarcely a need for change.

While Blackstone did allow a slight margin for the influence of reason in developing the law, he did not anticipate that many precedents would be set aside as contrary to reason. He regarded the common law as the "perfection of reason," a kind of "secondary law of nature" which ordained what was morally right and wrong. In this respect he was a true child of a central phase of the eighteenth century. In Bolitho's vivid words: "Everything was owned, settled, finished; the human race was, as never before or since, the prisoner of its own logic, its own legal geometry, its laws, that is, its Past. Neither kings nor people could change it; Europe had locked itself in and lost the key." Pope reflected

the same mood: "All discord, harmony not understood; all partial evil, universal good."

Only seventy-five years ago Oliver Wendell Holmes was still able to synopsize the cumulative doctrines of the common law in one short volume entitled simply *The Common Law*, which followed the traditional approach in covering contract, torts, crimes, liability, property, possession, ownership, bailment, and succession. There is in that work no discussion of the agitated fields of law which now concern us acutely in various areas of trade and labor relations. Nor did the traditional categories include the bulk of legal problems arising today from administrative regulation, complex tax schemes, international relations, the alternative procedures of arbitration.

But Holmes, the friend of William James and Morris Cohen, Sir Frederick Pollack and Harold Laski, was a philosopher as well as a legal scholar. Few would disagree with John Dewey's judgment of him as among the greatest of America's philosophers. Although he did not expand the categories of the traditional common law, he set the stage for a revaluation of its vital processes of growth. Rejecting the simple notion that law develops solely by deduction from precedent, he flatly announced that the life of the law has been experience, not logic. In a famous sentence he disclosed the realities behind the supposed reliance on mere formal logic. "The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed."

This realization implied that the lawyer of the future would have to master economic and social facts, and not just verbal rules. Rules of law would ultimately have to justify themselves by their contemporary pertinence and sound basis in policy. A naive citation of precedent would not suffice. "It is revolting," as Holmes elsewhere said, "to have no better reason for a rule

of law than that it was laid down in the reign of Henry IV. It is still more revolting if the ground upon which it was laid down has vanished long since, and the rule simply persists through blind imitation of the past."

The common law could no longer be considered an insulated technical system, what Lord Coke called "the artificial reason of the law." Henceforth the common law would be more overtly responsive to social norms and realities. It would be more difficult for judges and lawyers to hide their real reasons behind legalistic jargon. The challenge was clear. More and more, law-men would have to think through their cases in terms of current developments and underlying equities, evaluating rival lines of precedents in the perspective of present-day expectations, considering contemporary mores, knowledge, and ideals as sources of legal growth. "The law," to quote Holmes once again, "tries to embody things that men most believe and want. But beliefs and wants begin as vague yearnings and only gradually work themselves into words. These words at first cannot fully express what they aim at. Some of us have tried to make clearer what the aims are or should be, using history, economics, and philosophy as our aids."

I

The law, even with its notorious "social lag," has inevitably reflected the drastic social developments of recent generations. We have changed from a rural to an industrial community (and today we are on the verge of unpredictable further changes occasioned by the emergence of suburbia, automation, and atomic energy). The development of technology and the factory system has led to new problems of a congested society with concentrated wealth and employment areas. Corporations have grown larger and larger, often merging into monopolies or near-monopolies. By reflex, labor has organized into giant unions. Government has also proliferated, attempting to moderate the excessive powers

of gargantuan business and labor associations. Today, business, labor, and government stand in the relationship of countervailing forces.

Government has also had to cope with new problems that people could no longer handle unaided through their own individual resources. The idea of a government that should do as little as possible, that should merely maintain law and order, has become passé. It has not become passé because theorists assaulted the simplistic slogan of absolute laissez faire, of governmental non-interference. The shift toward "welfare" government has been brought about by health dangers in factories and factory towns, by noise and smoke and slums, by transportation of freight and passengers on railroads and busses and airlines, by traffic tangles, by the need to allocate radio and television air waves, by popular purchase of stock securities in the same way as food and drugs, by impersonal supermarkets replacing the farmstand and corner grocer, by economic hazards beyond the power of the individual to avoid in our megalopolitan society—the hazards of old age, unemployment, illness. Is there anyone today who believes that government can again become simply a police and fire department, domestically and internationally? Is there anyone who would like to repeal the laws providing for savings-bank-deposit insurance, for close supervision of insurance companies, for truthful labeling on products you cannot judge by yourself (such as drugs, cosmetics, and a new issue of stock securities), for zoning of residences separately from business establishments, for collective bargaining carried over by the Taft-Hartley Law from the Wagner Act, for government-subsidized housing, for social security payments instead of a dole?

Taking social security as an example, we find the present Assistant Secretary of Labor, Arthur Larsen, making a strong defense of our social-security system,¹ vigorously denying the notion that it is a "form of socialism and a threat to our indi-

¹ Arthur Larsen, "Income Insurance and Labor Relations," in *Employment Security Review*, vol. 21, no. 8 (August 1954), especially pp. 27-28.

vidualistic American tradition." He offers an epigram for our guidance—"Social insurance is our best insurance against socialism"—and suggests that "social insurance fosters rather than threatens our prized individual qualities, which we believe have made this country what it is." Freed from humiliating public relief, the dignity and self-respect of the individual have been enhanced. He does not have to beg for benefits when he is unemployed or hurt or aged; "he can hold his head high and demand them as of right."

This insurance approach to individual-become-social problems provides a characteristic example of the enlargement of the common-law approach. Under the earlier common law there was legal liability only if there was personal fault. When a workman was injured at a machine and he sued his employer, the employer could resist on the ground that he was not at fault. The employee was said to have "assumed the risk" of hazardous employment when he took the job. Or he was "contributorily negligent." Or his fellow-worker might be blamed, as in the so-called "fellow-servant doctrine." But the multiplicity of these factory injuries created a grave and growing social problem. Aside from the moral issue, society could not afford to have so many individuals and their families made derelict and become public charges because of such injuries. It was therefore contended in the legislature that liability should be imposed on the employer without fault, changing the traditional common-law rule. All an employee had to prove under the Workmen's Compensation Law was that he had been injured at work. He did not have to prove liability, did not have to prove that anybody was at fault. The workmen's compensation insurance took care of the payments to him. Employers paid these premiums. The premium cost was slight, and could be passed on to the consumer. He who could best bear and spread the risk was made to assume it.

The struggle to change the common-law rule was tough. The courts at first declared the system unconstitutional. But with New York State in the vanguard, as with so much liberal legisla-

tion, there was eventual vindication of the social-insurance approach. We know how it has since been extended to unemployment and old age.

In this typically pragmatic and experimental, creative and compromising way, we have solved these problems, undeterred by rigid dogmas or slogans. The traditional rule of the common law has yielded to the new social-insurance approach. And the result of these developments on our attitudes toward the common law has been twofold.

First, we have realized that the precedent system of the common law—fast as it might try to catch up or keep up with the times, flexible and liberated as it might be in the judicious hands of a Holmes or a Cardozo—is not an adequate social mechanism for bringing the law continuously up to date, for reducing its social lag. Legislation has become recognized as the chief vehicle, a wholesale vehicle, for bringing the law into kilter with the times. In the early days the judges resisted legislative changes in the law. They tried to keep down the effect of new statutes. As the maxim went: legislation in derogation of the common law is to be strictly construed. (To Blackstone, legislation was an alien intruder on the sacred precincts of the common law.) But this statute-phobia has now been allayed. Today a judge accepts and welcomes a statute. He regards it as his clear duty to carry out its mandates. Sometimes the legislature has been bold enough to direct that a statute shall be extended to cases within the spirit and basic reasons of the legislative policy. Chief Justice Stone went so far as to suggest that this practice, skillfully followed by judges, "may yet restore to courts a privilege which they renounced only because they have mistakenly regarded statutory enactments as in some degree less a part of the law than their own decisions."²

The second change has been that our emphasis has shifted in our view of the common law: we no longer see it as chiefly an

² Harlan Stone, "The Common Law in the United States," in *The Future of the Common Law* (Cambridge, Mass., 1937) pp. 134-35.

accumulation of precedents, embodying traditionally hallowed legal rules, but think of it rather as a method for deciding disputes, a social tool for adjudication of controversies by courts in accordance with certain procedures of fairness. Historically these procedures have centered in a jury of one's peers and in an acceptance of the supremacy of an independent judiciary, before which even government officials must yield, in the interests of personal freedom.

There is much to be said about the advisability of restricting the use of the jury in complicated factual questions (such as patent cases, for example), as Judge Jerome Frank has urged. He has made a noteworthy contribution to general understanding of the contingencies involved in establishing the facts in every lawsuit (which is usually also a "fact suit"), and of the argument for placing more reliance on trained judges than on untrained laymen.

But the doctrine of supremacy of law—the law as set forth independently by the courts—holds on firmly. It has survived the growth of administrative agencies as well as political attacks upon the Supreme Court. With the strong sense that fairness of procedure is a central inheritance of our common-law tradition, enshrined in the Constitution, we look to the Court to safeguard our individual liberty against any incursions made by arbitrary officials.

Is there a headstrong or power-drunk prosecutor or legislator or executive, or even one who is merely over-zealous or in too much of a hurry to do his job punctiliously, with due regard for the rights of every individual person? Is there some local district attorney or a United States attorney, some Congressman or Senator, some Governor or President, too conscious of his powers and too forgetful of the limitations of his office, who is tempted, wrapped in his official mantle, to take short cuts which override the sanctity of the individual's rights? He will find the federal courts standing in his way, and, in their best exemplars, impervious to the prestige or pretension, popularity or publicity, of the

cause or the official. He will find our courts reflecting the salient Constitutional difference between our government, in which individual men are free and sacred, and some totalitarian government in which officials cow the individual, use any means of intimidation to justify their ends, and autocratically impose their will. Here is the precious distinction between a democratic government, whose officials are limited in their powers, and a totalitarian government, which is dictatorial in its unlimited powers.

Has the President of the United States forced a member of the Federal Trade Commission to resign because he is out of sympathy with the President's New Deal views—and done this even though the Commission was set up by Congress as an independent regulatory agency? The Supreme Court, speaking through Justice Sutherland, is unanimous in rebuking the President: "For it is quite evident that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will."³

Has the FBI failed to obtain a warrant, as the Constitution requires for your protection and mine, before arresting Judith Coplon as she stood on a street corner? Have wires been tapped for evidence? The conviction will be reversed.

Has the United States Attorney denied to an alleged traitor, Provo, the constitutional assurance of a "speedy" trial? The conviction will be reversed.

Has a witness before a New York State legislative committee been adjudged in contempt because he has refused to answer questions that may incriminate him, standing upon his Constitutional rights not to be a witness against himself? The doubt will be resolved in his favor and the conviction will be reversed. Judge Cardozo's opinion exalts the privilege against self-incrimination: "The privilege may not be violated because in a particular case its restraints are inconvenient or because the supposed malefactor may be a subject of public execration or because the disclosure of

³ *Humphrey's Executor v. United States*, 295 U.S. 602 (1935).

his wrongdoing will promote the public weal. It is a barrier interposed between the individual and the power of the government, a barrier interposed by the sovereign people of the State; and neither legislators nor judges are free to overleap it."

The witness was named Doyle; the occasion was the Seabury investigation; the imputation was official corruption; the bribery was that of the witness, Doyle, a public official. "We are not unmindful," said Judge Cardozo, "of the insistent hope and need that the ways of bribers and corruptionists shall be exposed to an indignant world." Nonetheless, he continued, "Historic liberties and privileges are not to bend from day to day 'because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment,' are not to change their form and content in response to the 'hydraulic pressure' exerted by great causes. A community whose judges would be willing to give it whatever law might gratify the impulse of the moment would find in the end that it had paid too high a price."⁴

These are all instances of violations of civil liberties. They are instances of governmental tyranny, the extreme and arbitrary exercise of official power, by the President of the United States, the Department of Justice, a legislative committee. In each instance an over-reaching official or official body abused an individual's freedom under our Constitution. However pure or noble the motives or intentions, in each case this governmental license was curbed by the courts.

These cases point up in various contexts our tradition of protection of the individual against tyranny exerted by the mighty force of his own government. They have a focal pertinence today. Extremes generate extreme reactions which may themselves disturb, distort, and perhaps even tend to corrupt us beyond recognition. Communism would have an unanticipated triumph if it could plant its ugly tactics here among us. Zechariah Chafee, sometime Chairman of the American Bar Association

⁴ *Doyle v. Hofstadter*, 257 N.Y. 244 (1931); citations omitted; internal quotations from an earlier opinion by Holmes.

Committee on Civil Liberties, has stated the danger succinctly: "Let us not in our anxiety to protect ourselves from foreign tyrants imitate some of their worst acts, and sacrifice in the process of national defense the very liberties which we are defending."⁵

No judge or elder statesman is more respected in the United States than Judge Learned Hand, the spiritual successor of Holmes and Cardozo. In October 1952 he uttered his often quoted warning: "I believe that that community is already in process of dissolution where each man begins to eye his neighbor as a possible enemy, where non-conformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose. Such fears as these are a solvent which can eat out the cement that binds the stones together; they may in the end subject us to a despotism as evil as any that we dread; and they can be allayed only insofar as we refuse to proceed on suspicion, and trust one another until we have tangible ground for misgiving."⁶

This warning comes from the very judge who sustained the constitutionality of the Smith Act, making it a crime to conspire to advocate the overthrow of the government by force. In sustaining this statute he was restricting the scope of free speech more than heretofore, in a rationale which was adopted by the United States Supreme Court, over the dissents of Justice Black and Justice Douglas. Judge Hand and the court majority thought the historical record of communist aggression justified a conception of its imminent danger to us now, warranting suppression of such advocacy. Justice Black thought that in calmer times we would look back with regret upon this departure from our traditional freedom. Justice Douglas held that there was not sufficient evidence of danger from the Communist Party in this country

⁵ Zechariah Chafee, *Free Speech in the United States* (New York 1954) p. 566.

⁶ Published in *The Spirit of Liberty*, ed. by Irving Dilliard (New York 1953) p. 284.

to warrant our adopting a suppressive attitude toward this minority position.

Each generation has its own crisis, a challenge to meet and overcome. In the past, even within the lifetime of many of us, we have gone through various Constitutional crises. We went through one in the late 1800's, occasioned by the Court's abuse of the "due process" clause in the Fourteenth Amendment, whereby it struck down social legislation adopted by various states. Here the Court flagrantly departed from the presumption of constitutionality which it has always said must attach to any statute that is passed by a legislature and approved by the Executive.

In the 1930s we overcame the crisis occasioned by a similar abuse of power by the Supreme Court with respect to federal legislation passed to combat the depression. Much of this legislation was thwarted by a majority of the Supreme Court, because the majority wrote its own "economic predilections" (in Justice Stone's words) into the Constitution. The Court has no business doing that, since its province is not to make policy but only to be sure that power exists in the Constitution for such policy as has been legislated. But even before President Roosevelt had made a single appointment to the Court, and before his proposed Court plan was rejected, the Court changed its tune. Justice Roberts switched over to the minority of four, making it a majority of five.

Since then we have had no problem occasioned by judicial abuse of power, by the judicial tyranny which, we must not forget, is also always a possibility. Stone warned the Court, in one of his great dissents, that the Court may exercise restraint upon the other branches of government, but there is no restraint upon the Court except its own sense of self-restraint.

Today, however, as in other periods of our history, our concern about our national preservation and security spills over, making incursions into the rights of the individual, his free expression, his fair treatment procedurally. After the American Revolution

there were strong American partisans of France who were suspected of being more loyal to France than to the United States. The Alien and Sedition Laws were passed during this hysteria, but the crisis passed when Jefferson, the instigator of our Bill of Rights and perhaps the greatest of all our civil libertarians, was elected President. During the fires of the Civil War (an ordeal from which it should sustain us to recall we emerged strengthened), Lincoln suspended the sacred writ of habeas corpus, though Chief Justice Taney ruled that it was unconstitutional to do so. Lincoln, to be sure, had warrant for the suspension, since the Constitution authorizes it in times of rebellion. During wartime the country must pull together in a coherent way, patterned upon military discipline, with accent on the President's role as Commander-in-Chief. During wartime we recognize the necessity for some abatement and qualification of our civil liberties. But even so, we do not lose our heads, and we go to some pains to preserve, for example, the rights of bona fide, religious, conscientious objectors.

Our difficulty today is that we are not at war, nor are we at peace. We are in an indefinitely long cold war and a tenuous peace. We are filled with anxiety intensified by atomic potentials. Thus it is not easy for us to keep a balanced mind and to follow our own lights. This difficulty has given rise to a Constitutional crisis which deeply affects our individual liberty. It is to this contemporary crisis that we now turn.

II

To keep our bearings as to our Constitutional foundations, let us hold in mind the fact that the very framework of the Constitution, even without the Bill of Rights, is designed to prevent overweening encroachments by one branch of government (executive, judicial, or legislative) on another. This is our famed structure of checks and balances. The founding fathers had tasted the sour grapes of tyranny. They were more concerned

to make tyranny difficult than to make government efficient. Subsequent history appears to have borne out the wisdom of their circumspection. The purpose of the separation of powers was said by Justice Brandeis to be "not to avoid friction, but by means of the inevitable friction to save the people from autocracy." Consider the tensions and antagonisms exposed by the McCarthy hearings in the light of this perspective.

To these checks and balances the Bill of Rights added specific safeguards in the form of explicit guarantees extended to the individual against *any* impingement by government. We are all familiar with the guarantees of free speech, press, assembly, and religion in the First Amendment. Non-lawyers are less familiar with the special judicial protection, found in Amendments Four through Eight, that is thrown around the individual accused of wrongdoing. These amendments are of special significance today, especially as they pertain to fair procedures of legislative committees.

In examining our predicament we may do well to keep in mind that most horrible of dictatorship phenomena, the terrifying knock on the door in the middle of the night by the secret police. The individual is carried off to Siberia or Buchenwald—and that is the last his friends and family ever hear of him. Under our system we do not tolerate this summary ruination of an individual by officials abusing their power. Everyone is innocent and immune to punishment until he is *proved* guilty. Proof requires evidence. The evidence must be gathered and presented in a way that assures fairness in the procedure and trial. There must be more than a preponderance of the evidence; there must be proof beyond any reasonable doubt. Else the jury must acquit. Better that a hundred guilty men should be acquitted than that one innocent man should suffer. This is the premise on which we proceed—the "presumption of innocence" which permits us to go to bed at night with a quiet mind. Those who are innocent have the assurance that the legal safe-

guards are present to compel substantial proof of guilt and to enable them fully to defend themselves against unfounded accusations.

The Fourth Amendment provides that our right to be secure—in our persons, houses, papers, and effects—shall not be violated by unreasonable searches and seizures. (A warrant may issue, but only for probable cause, on oath, and describing the place to be searched and the person to be seized.)

The Fifth Amendment provides that no person shall be held for an infamous crime without a grand-jury indictment. No person shall be twice put in jeopardy of life or limb for the same offense. No person shall be compelled in any criminal case to be a witness against himself. No person shall be deprived of life, liberty, or property, without due process of law. (Nor shall private property be taken for public use without just compensation.)

The Sixth Amendment provides that in a criminal prosecution the accused shall enjoy the right to a speedy and public trial by an impartial jury in the place where the crime has been committed. He shall be informed of the nature of the accusation; confronted with the witnesses against him; be able to subpoena witnesses in his favor; and have the assistance of counsel for his defense.

The Seventh Amendment provides for a jury trial, and the Eighth prohibits excessive bail or fines or cruel and unusual punishments.

These are our traditional judicial safeguards of individual liberty, of safety from irresponsible attack and accusation. Underlying all the provisions for a fair trial—procedural due process—is one principle, the presumption of innocence, and one concern, that no innocent man shall be broken by the power of government without an adequate case first being fairly made against him.

For centuries the common law struggled to achieve this civilized goal. Men had been tortured to exact confessions, to force them to testify against themselves. In colonial times English governors tried these same tactics here. They were defied. The privilege

against self-incrimination was written explicitly into our Bill of Rights. The reason for this privilege is graphically put by Sir James Stephen, who suggested, when writing on a criminal code for India, that it is far easier to sit under the shade of a tree and rub pepper into some poor devil's eyes than to go out in the sun and diligently amass evidence.

The bar regards it as a grave matter when those accused of crimes involved with communist or other unpopular activity cannot obtain able lawyers to defend them. Judge Medina, who presided at the hectic and judge-baiting trial of the communist leaders, has voiced his concern at this condition. Some years ago he himself accepted an assignment as a trial lawyer to defend a detested fascist with whom he had no sympathy. From the courtroom audience, people spat at him as he walked to his seat. For us to associate counsel for an accused person with the odium of the accusation is to run counter to our basic principle that every accused person is entitled to counsel to enable him to establish his innocence. At the same time it makes even lawyers victims of guilt by association.

A firm statement of the lawyer's high duty, and concern for its proper performance despite public confusion, are voiced in the recent report of the Committee on the Bill of Rights of the Association of the Bar of the City of New York: "A principal duty of the bar is to see that no accused lacks counsel because his person is infamous or his cause detested. When a member of the bar defends a client who is publicly abhorred, the bar expects that representation nonetheless to be vigorous, competent, and responsible in every way. The bar regards the lawyer as fundamentally independent of his client and therefore holds him accountable to it for guiding his client's case by its standards of professional conduct. Public misapprehension of the duty threatens its performance."

The peculiar contemporary difficulty lies not with the courts, but in the operation of legislative investigating committees. The legislature must investigate through committees in order to ob-

tain the facts upon which to base a judgment as to the necessity for legislation. For three hundred years, in England and in the United States, this has been approved and valued practice. The investigations have roamed broadly, and have become an important arouser of public opinion in connection with executive or administrative behavior and important social problems.

The difficulty has lain not in the legitimate functioning of legislative investigations, not in the inquiry into matters of legislative concern, but in the abuse of such inquiries. The klieg lights and headlines are a great temptation to engage in sensational charges which splash the accuser's name over the papers and bring his face into every home with a TV set. Any charge by any Senator is always news. If the charge is an empty or unverified one, it is still news. If it is a charge against an Army General or a member of the President's cabinet, it is still more news. We do not expect Congressmen to court headlines at the expense of the reputation of other persons. We do not expect legislative committees, seeking facts of a general nature, to turn into an inquisition of individual persons or into a tribunal for charging individuals with wrongdoings.

Present-day ways of obtaining publicity have added to the difficulties we have had in previous years with legislative committees, which are inevitably (and this is not said disparagingly) involved in politics. This applies to the Kefauver Committee no less than to more recent committees. The publicizing of such inquiries through television has led to considerable disapprobation by the bar. There's no business like show business, and it should stick to its own costumes and paint. It is hard enough to maintain a judicious mien even under the best of quiet and orderly conditions. The abuses we are familiar with today go back many years; they include abuses in investigating bankers and banking.

It is extremely difficult for the general public to appreciate the technical legal problems facing a witness who decides (or is advised) to stand upon his privilege. Refusal to answer a *pre-*

liminary question may result in a "waiver" of the privilege.⁷ Invocation of the privilege does not *necessarily* betoken guilt.⁸ Stated in general terms, the problem is to reconcile the need for Congress to inform itself and the individual's right, as a witness, not to be forced to incriminate himself. This right has been broadly protected by the courts as a basic individual privilege which the Bill of Rights places beyond official impairment. Ultimately its sanctions can be found in the Judaic-Christian respect for the individual's dignity.

The Supreme Court has held that the privilege against self-incrimination extends beyond criminal trials to cover a witness at legislative committee hearings. The principle underlying the privilege justifies this extension. Though the privilege arose at a time when torture was more prevalent, and when, as in Blackstone's day, the gallows awaited many more offenders than today, its basis is still one of sound policy: the requirement of an objective inquiry into the case, and the accumulation of solid evidence with which to confront a suspected person.

The prosecutor's case, in a criminal trial, must always be well prepared, as he must always prove a case beyond any reasonable doubt. The prosecutor cannot rest upon mere forensics and pressure tactics. Thus an innocent man will not be trapped or tricked or coerced or forced into a confession. Nor will some nimble-witted criminal escape the net.

We do not rest our approval of the privilege on tradition alone, or on its universality. As the United States Supreme Court said in a leading case, the privilege "is best defended today not as an unchangeable principle of universal justice, but as a law proved by experience to be expedient."⁹ The sanctity of a principle is not lessened because experience has demonstrated its worth. A system of justice without the privilege could be conceived, but that is not our system.

⁷ *Rogers v. United States*, 340 U.S. 367 (1951).

⁸ See Erwin N. Griswold, *The 5th Amendment Today* (Cambridge, Mass., 1955).

⁹ *Twining v. New Jersey*, 211 U.S. 78 (1908).

This privilege is an admirable example of our theme. It is not something newly created, originating in the Constitution, but is part of our legal heritage, for it is the common law which developed the core of the rule that no one can be compelled to incriminate himself. We have extended the privilege to federal crimes and to state crimes. It is included not only in the Fifth Amendment to the United States Constitution, but in the constitutions of every state except New Jersey and Iowa; and in these two states it is recognized nonetheless as simply a common-law privilege.

It has been traced by some as far back as the thirteenth century. Certainly in the heyday period of the common law, the seventeenth century, we find it in full flower, in the famous Lilburne Trial.¹⁰ In the lower court Lilburne was not allowed the privilege against self-incrimination, which he claimed. He was sentenced to be whipped for his refusal to testify against himself, but Parliament, the highest English court, declared this sentence unjust and against the "law of the land." Lilburne eloquently justified his refusal in these words: "For what is done to anyone may be done to everyone. I judge it . . . expedient for every man continually to watch over the rights and liberties of his country and to see that they are violated upon none, though the most vile and dissolute of men;—Otherwise such violations, breaches and encroachments will act like a Gangrene upon the common liberty and become past remedy."¹¹

The acute difficulty of the problem and the care with which we must approach it have been well expressed by Peter C. Brown, formerly Chairman of the Subversive Activities Board and now New York City Corporation Counsel: "The paramount problem facing the American bench and bar today is to discover the means and methods for reconciling our desire to preserve traditional American individual freedoms and at the same time protect our

¹⁰ 3 How. St. Tr. 1915, 1331.

¹¹ Quoted in William Haller and Godfrey Davis, *The Leveller Tracts* (New York 1944) p. 454.

American people from those who, taking advantage of such freedoms, would destroy them. Never before have we been confronted with so trying a challenge."

Among the strongest upholders of our basic civil liberties have been two non-lawyers, dedicated newspapermen, Elmer Davis and Edward R. Murrow. This is an encouraging sign, because newspapermen are in close relation to public opinion, and the public is and should be the final determiner. The Supreme Court can guide and illumine, but it alone can never assure fairness in the exercise of governmental power. "The prevention of indecencies in the use of governmental power must depend ultimately on the pressures of public opinion, particularly the opinion of the legal profession. This opinion can be effective only if it is informed by a sound philosophy."¹² Davis has tried to recall us to our heritage in his book *But We Were Born Free*. The same eighteenth century which gave birth to Blackstone in England gave birth to Jefferson here. It was Jefferson who insisted that the Bill of Rights become part of our Constitution, in order that our individual liberties might receive explicit protection and not be left to inference. Unless we remain true to Jefferson's spirit we may run the danger of winding up, as Murrow reminds us, with the cold war resulting in a victory for un-freedom, with the eventual conflict one between a dictatorship and a sadly diluted democracy.

Lawyers would be derelict if they did not serve to convey and uphold our traditional civil liberties, which can be understood only in the perspective of our entire legal tradition. That tradition has become professionalized; and social scientists have all too often had to leave it outside their own purview of study. This analysis of the common law today, and its relation to individual freedom, is an effort to indicate the way in which the common law has vitally developed in response to new economic needs—how it has been able to absorb the social legislation for maximizing

¹² Lon Fuller, "American Legal Philosophy," in *Journal of Legal Education*, vol. 6, no. 4 (1954) p. 465.

individual freedom under the conditions of our industrial society. At the same time this essay has indicated how the common-law safeguards of procedural fairness have been reflected in the Constitutional protections of individual freedom; and how the courts, the bar, the public, and the self-corrective processes of the legislature must rally to the support of these fundamentals during periods of trial and difficulty.

These are basic themes in the relation of the common law to the Constitution, and in the relation of law to society. We shall need gyroscopic balance to continue our economic reconstruction and at the same time emerge safely from hostile assaults, recognizably ourselves, honor unstained, upholding the blessings of liberty for our own posterity with exemplary poise for the rest of our harrowed world.

RECENT TECHNOLOGICAL PROGRESS IN THE SOVIET UNION

BY ROLAND GIBSON *

FOR more than two years the Moscow press and economic journals have been publishing a spate of articles on recent Soviet achievements in the manufacture of modern types of industrial machinery and the introduction of more mechanized and automatic processes. No doubt many of these articles have been inspired by a desire to demonstrate that the instructions of the Fifth Five-Year Plan, for 1951-55, are being carried out on schedule, and to inspire further effort in the direction of the "new powerful technical progress in all branches of the national economy" envisioned in Section 10 of the present plan. Doubtless the articles contain a goodly portion of exaggerated claims and statements. But they also appear to present evidence of considerable genuine technological progress, which it would not be wise to ignore.

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Rapid technological progress is, of course, nothing new in Soviet Russia. During the first and second five-year plans in the 1930s, as Alexander Gerschenkron of Harvard University has recently noted,¹ "entirely new industries were being established on the basis of accumulated western technology." Labor productivity in

* AUTHOR'S NOTE: The writer is indebted to the following members of the College of Engineering, University of Illinois, for some of the technical information contained in this article: Robert W. Bohl, assistant professor of Metallurgical Engineering; E. V. Radzimovsky, assistant professor of Mechanical Engineering; James J. Doland, professor of Hydraulic Engineering; W. S. Pollard, Jr., assistant professor of Civil Engineering; and L. E. Doyle, associate professor of Mechanical Engineering. He is indebted to his colleagues in Economics, Royall Brandis and Robert Ferber, and to Bogdan Mieczkowski, of the University of Vermont, for suggestions they made for improving the first draft of the article.

¹ Abram Bergson, ed., *Soviet Economic Growth* (Evanston, Illinois, 1953) p. 25.

industry was accordingly growing at a rapid rate. Soviet sources estimate the average labor-productivity increase in large-scale industry during that period at 10.8 percent per man-year. Donald R. Hodgman, of the University of California, has estimated the increase more critically, at 6.2 percent. Other authorities on American productivity measurement maintain that if ordinary American statistical techniques were used in measuring Soviet productivity, a still lower rate of increase would be revealed. But by contrast the rate of increase in United States manufacturing between 1899 and 1939 has been estimated at 2 percent per man-year, and 2.75 percent per man-hour, although higher rates were achieved for shorter periods within that forty-year span.

It must be remembered, of course, that the striking Russian productivity increases took place largely in heavy industry, rather than in all industries, including consumer goods, and that therefore the mass of employees did not reap commensurate benefits in rising living standards. It must also be emphasized that the Russians have to a large extent been applying Western technology, which has been tested by other nations and found effective. When Western entrepreneurs were applying the new devices they were always facing the risk that the equipment might prove inefficient. But Soviet planners and engineers have access to the vast scientific and technical literature of every advanced Western nation. They can learn about the successful innovations and apply them immediately on a mass scale. No preliminary experimentation is necessary. Probably most of the Soviet industrial advances have had this basis; some of the innovations discussed in this article may, however, be recognized as to some degree original with the Russians.

Since 1949, plans for the introduction of advanced technology into the Soviet economy have been in the forefront of central planning. Apparently the plans have been executed with considerable success, for the Soviet labor-productivity statistics show an average annual increase throughout industry of 11.5 percent from 1949 to 1952. The rate of increase had been higher than

that immediately after the war, as was to have been expected from a base of disrupted wartime underproduction. Since 1948 the rate has been declining. Between 1951 and 1952 there was a drop from 10 to 7 percent, and in 1953 there was a further fall to 6 percent, but these, of course, are still high rates of increase, even if corrected to something like 4 and 3 percent by assuming the same degree of overestimate as Professor Hodgman found in the earlier Soviet estimates. United States productivity is believed to have been increasing at an annual rate of something less than 2 percent in these latter years, although recent evidence indicates that a higher rate was achieved in 1954.

Some notion of the variety of advanced techniques and new types of equipment being introduced in the Soviet Union today can be obtained by glancing through the Current Digest of the Soviet Press, which indexes news stories published in *Pravda* and *Izvestia* from day to day. The following are typical headlines: "Ten new types of mining equipment produced by Krivoi Rog plant"; "World's largest transformer (400,000 volt model) for Kuibyshev-Moscow line"; "New cutter in Baku oil machine-building plant makes parts ten times faster"; "Powerful cable cranes at Kuibyshev hydroelectric station construction project"; "Conveyors installed in household-utensil factory—silverplating and nickelplating regulated automatically"; "Portable concrete plant can produce 41 cubic meters of concrete per shift"; "Direct-flow hydroturbine"; "Automatic assembly line at farm-machinery plant"; "Conveyor belt at Volta electric machine-building factory"; "Automatic casting machine"; "Mechanized factory produces prefabricated houses"; "Two-way harvest radio units"; "Vertical lathe for making parts 9 to 13 meters in diameter"; "Thousands of rationalizers' proposals at electro-chemical combine."

A glance through the Library of Congress Monthly List of Russian Acquisitions yields titles of books being written and published in Russia on new techniques. The following are typical: "Electric control mechanisms of metal-cutting machines";

"Steel smelting in electrical furnaces"; "Fundamentals of interchangeability in machine building"; "Technological principles of cementing substances"; "Mechanization of loading and unloading operations in the metal industry"; "Automatic control of thermal processes at electric power stations"; "Automatic stopping control devices for mine hoisting machinery"; "Automatic control of electrical machinery"; "Instruments and automatic machines for statistical analysis and control of production of machine-building"; "Automatic regulation of arc welding"; "Electronic equipment for measuring and regulating temperature"; "Recording instantaneous processes by means of electronic beams."

II

Some of the recent developments along the lines mentioned above are briefly summarized in the following pages, on the basis of information provided by Soviet sources.

IRON AND STEEL

One of the industries in which the greatest technological progress has been made is iron and steel. Here the first modern plants were designed by American engineers and constructed under their supervision. But the Russians proved apt pupils, and after the American engineers departed from the Soviet Union in 1933, the construction of blast furnaces, open hearths, and continuous rolling mills proceeded apace. Productivity of labor in the industry increased 9.4 percent a year between 1929 and 1939, according to official Soviet figures, and since 1949 the rate of increase each year has been well maintained at about 8 percent.

Huge size of plants and furnaces has been an outstanding characteristic of the Soviet steel industry. In a nationalized industry, under direction of a government ministry and central planning board, market competition need not be considered in planning the size of plant or equipment. A mass market is assured. The decision-makers do not have to concern themselves about what other business enterprises may do which may affect their share of the market. Economies of scale can be exploited to the maximum

—and there is even some suspicion that Soviet builders may be ignoring application of the law of diminishing returns to capital in some instances.

By 1951 the proportion of blast furnaces over 1,000 cubic meters (35,315 cubic feet) in size had increased, in Russia, to 51 percent of the total, according to an article in the Soviet journal *Planovoye Khoziaistvo*, or Planned Economy (1953, I), compared with 46 percent in the United States. The proportion of open-hearth furnaces at least 200 metric tons in size (about 220 United States tons) had risen to 36 percent in 1951, contrasted with 12 percent in the United States. American metallurgists prefer furnaces between 150 and 175 tons in size because they are easier to control, easier to charge, and quicker to heat, and because the metal can be handled more easily when the furnaces are tapped; also, the larger furnaces require more powerful cranes. On the other hand, Soviet writers claim (although this may be doubted) that the larger Soviet furnaces are more highly mechanized and more automatic.

The Russians likewise claim more efficient utilization of the capacity of their blast furnaces. They have a quaint way of measuring this which is not used in the United States. They fix a figure for the usable volume of each blast furnace when it is built, and then divide this capacity figure by volume of output per unit of time during operation, to obtain a coefficient of utilization. Thus the lower the coefficient, the higher the degree of utilization. This coefficient, they claim, was as low as .88 in Soviet blast furnaces in 1952, whereas "even in years of high load," they maintain, the average coefficient of utilization in American furnaces does not go below unity. It may be that the capacity of Soviet blast furnaces is underrated before production is begun, with the result that efficient utilization brings lower coefficients and perhaps higher bonuses to operators of the furnaces. The Soviet coefficient of utilization of blast furnaces is said to have improved 35 percent since 1940.

As for steel production, the writer of the article in *Planned Economy* reports a 40 percent increase since 1940 in the amount

of steel removed per square meter of open-hearth area—from 4.37 to 6.19 tons, compared with 5.3 tons from "one of the largest metallurgical plants in the United States in Lackawanna in 1951." One explanation for this is no doubt the fact that United States practice is moving toward shallower hearths, which require less time to heat, thus increasing the speed of operation.

By 1951, the Soviet article reports, 95 percent of all pig iron was smelted in Soviet blast furnaces with automatic regulation of the blast temperature, and 87 percent of all steel was obtained from open hearths with automatic temperature controls. This stage of development had been reached in the American steel industry before World War II, but Soviet practice today would seem to be pretty much on a par with present American practice. In making pig iron, the Soviet Union is now using more self-fluxing sinter and oxygen than formerly; a more highly refractory brick is being used in open-hearth furnaces; rolling mills are being made more automatic, increasing the speed of the rolling and the productivity of the mills.

ELECTRIC POWER

Another Soviet industry that received its initial productive impetus from the advice and training of American engineers is electric power. Here labor-productivity figures are not available, but the rapid growth of the industry can be indicated by the fact that electric-power production increased at an average annual rate of 24.7 percent between 1928 and 1937, and 16 percent between 1947 and 1951.² Recently automatic and remote control has been increasingly applied to hydroelectric-power installations. Over half of the total power of hydroelectric stations is said to have been brought under remote control, and 61 percent of the power of boilers in steam electric-power stations is reported to be regulated by automatic machines which feed the fuel into furnaces and the water into boilers. These percentages are exceeded considerably in the United States.

² Bergson, *op. cit.*, p. 76. Rates of growth are of course always higher in the early stages of an industry's development than in more mature stages.

"The most important technical achievement in Soviet electric-power stations," according to the Planned Economy article, "is the application of steam of high pressure (90 atmospheres) and high temperatures (up to 500 degrees Centigrade—932 degrees Fahrenheit), which makes possible a 12 percent reduction in fuel outlay. The power of electric-power stations of high pressure now constitutes 27.2 percent of the power of all steam-power stations in the USSR, and is eighteen times higher than the prewar level. As a rule, during the Fifth Five-Year Plan, high-pressure boilers and turbines are being installed in the large electro-power stations." Such types of equipment have been in common use in the United States for several years.

The amount of conventional fuel (usually coal) used in producing one kilowatt hour of electricity is reported to have been reduced in the Soviet Union from 1,060 grams in 1913 to 596 grams in 1940 and 539 grams in 1950, and there is said to have been a further reduction in 1951-52. The 1950 figure is equivalent to about 1.19 pounds. The United States average for 1949 was almost identical—1.18 pounds, having been brought down from 3 pounds in 1920. The best United States plants now use about one pound of coal per kilowatt hour.

AUTOMATIC MACHINE TOOLS

Marked progress has been made in the introduction of modern technological methods into the various metal and machinery industries. For this grouping, too, measures of physical productivity per worker are not available, and indices of value of output per worker tend to exaggerate productivity increases—because new products are added to the indices at higher prices, and because improvements in quality take place which increase value per unit of physical output. In Soviet metal and machinery industries, value of output per worker has risen more than in any other industry. In what the Russians call machine building or machine construction, for which the government does publish physical productivity figures, productivity rose 19 percent in 1950 over the preceding year, 14 percent in 1951, and 10 percent in 1952.

These productivity increases have been caused largely, no doubt, by the increasing use of automatic and semi-automatic machines. For instance, the *Planned Economy* article notes a ten-fold to fifteen-fold rise in labor productivity from the operation of 39 automatic machine-tool lines in the production of parts for "automobiles, tractors, agricultural machines, etc." (perhaps the "etc." includes tanks). What is called the "first automatic plant in the world for the mass production of pistons for automobile engines" is said to employ only a few workers, and to carry out all processes automatically, from "the feeding of raw materials into the electric furnace to the packaging of the finished product." A photograph of one of these processes appears in the March 1953 issue of *Soviet Union*, an elaborately illustrated equivalent of *Life*, which is mailed every month from Moscow in six languages (Russian, English, Chinese, French, German, and Spanish). The picture reveals that the pistons are being manufactured by what American tool engineers call "automation," in the sense of automatic handling of parts between operations of a process, but not in the sense of automatic control and correction of errors by feedback. The productivity of labor in the Moscow piston plant is said to be nine times higher than with non-automatic production.

Foundries are being mechanized for the casting of metal by the latest line-production methods, according to an article in another issue of *Planned Economy* (1953, III). Centrifugal casting, casting under pressure, and precision casting are said to be accomplished in this way. The mechanized processes include charging the cupolas, molding and drying the forms, conveying the teeming metal to the forms, hydraulic or pneumatic cleaning of sand from the forms, and removal and reutilization of the sand.

Heat treatment of machine parts is being mechanized and automated, shortening the production cycle and curtailing the expenditure of raw materials and energy. Metals are being tempered by high-frequency-current devices. During the five-year plan that ends this year, the aim is to design more such devices, and also "more automatic regulators for electric, gas, and oil furnaces,

mechanisms for the control of inputs of fuel and air, spray burners for oil furnaces, photoelectric pyrometers for measuring high temperatures." In some forging and pressing shops forging and stamping are being carried on by continuous-line production.

Between 1949 and 1951 sixteen hundred new types of machines and mechanisms are said to have been created by the Soviet machine-building industry, although it would be interesting to know how many of them would be "patentable" in the American sense. In 1952 six hundred more types were manufactured, and in 1953 seven hundred more, including several for consumer-goods industries. Over 850,000 inventions, technical improvements, and rationalization proposals are reported to have been introduced in 1953 in industry, construction, and transportation.³

"The task of cutting teeth for gearwheels has been solved," *Pravda* reported on August 16, 1953. Attention is being given to inventing new types of equipment for making them. Semi-automatic machines are being produced, with many tooth-cutters which can turn out parts with intricate configuration. In the United States this problem was solved many years ago.

For blast furnaces new skip-lifting winches, charging apparatus, guns for driving the tap, casting machines, and iron and slag ladle cars have been devised.

For materials handling, fork-lift trucks have been manufactured which can lift from one to five tons up to 13 feet in height. The forks on some of them can be replaced by scoops for lifting building materials, or by cranes that can lift loads to a height of 16 to 30 feet. They are reported to be highly maneuverable, and can develop a speed up to 35 kilometers (22 miles) per hour on the road. Portable cranes are available for use in erecting buildings up to seven stories tall. For loading dry materials into freight cars, extension-type belt conveyors are being used to load either through doors or windows.

³ Current Digest of the Soviet Press, March 17, 1954, p. 18, translated from *Pravda* and *Izvestia* of January 31, on Results of the 1953 State Plan for the National Economy.

MECHANIZED COAL MINING

For the coal mining industry *Planned Economy* (1953, V) reports that electric coal cutters and conveyors are in mass production, as well as what the Russians call "combines" for cutting and loading the coal. One such combine, called the "Donbass" after the coal basin by that name in the Ukraine, is now being used to mine as much as 18,000 tons per month in a total of 460 drifts, with seams $2\frac{1}{2}$ to $5\frac{1}{2}$ feet thick. In sloping seams from $5\frac{1}{2}$ to $11\frac{1}{2}$ feet in width this combine, with a hinged cutting bar, is mining up to 25,000 tons per month in 60 drifts; but only 6 percent of the total output of seams of this size is mined by combine. In mines south of Moscow, where the rock is unstable and the coal not firm, a cutting and loading machine called "vom," which has a loop-shaped cutting bar, is being introduced. It is said to have a capacity of 12,500 tons per month. Cutting and loading combines for operation in thin seams, $1\frac{1}{2}$ to $2\frac{1}{2}$ feet thick, are being used in 120 out of 680 drifts. Experimentation is being carried on with the use of combines in steep seams, formerly mined with mechanical picks.

Over 10,000 scraper conveyors are being used in Soviet coal mining, especially with the cutting and loading combines. In seams of a 25 to 45 degree slope, conveyors are replaced by traveling metal chutes. Combines with such chutes are being used in 30 out of 135 drifts.

There is a reference in the same article in *Planned Economy* to the invention of so-called coal "planes" for the cutting of coal in sloping seams, but there is no description of them and no further comment except that the idea is based on the principle of the operation of planes and that the device merits further constructive development. Metal pit props from $1\frac{1}{2}$ to 10 feet long are being substituted for wood props in some mines.

Mechanization of coal mining advanced rapidly in Russia during the 1930s, and labor productivity in the industry rose at the rate of 8.5 percent a year, according to Soviet figures. After the war, mechanization and installation of improved equipment again

forged ahead, and productivity rose 10 percent in 1950 over 1949 and 8 percent in 1951 over 1950. In 1952 the rate of improvement dropped to 4 percent, which may indicate that mechanization has reached such a high level that there will be less and less possibility for improvement in the future. The industry is said to have been 98 percent mechanized in 1949, but it is unlikely that this figure applies to all operations in coal mining. It may apply primarily to cutting.

EXCAVATORS

Another achievement of the machine-building industry is the manufacture of huge excavators and dredges for use in digging canals, excavating for hydroelectric dams, strip mining, and the like. One excavator, recently built, has a bucket capacity of 14 cubic meters (18.2 cubic yards) and a derrick 75 meters (246 feet) long. It is claimed that this excavator "can dig a canal to its full width and depth, take out and put on the side, without the help of transport, over 25 million cubic meters of earth [32.5 million cubic yards] per year, replacing the heavy physical labor of 7,000 workers."

A walking dragline, like the kind used for strip mining in Illinois, has recently been designed, with a bucket capacity of 20 cubic meters (26 cubic yards). A photograph of the bucket of this excavator appears in the September 1953 issue of *Soviet Union*. The English caption under the photograph states: "In one minute this giant mechanical shovel can bring up earth from a depth of 35 meters [115 feet], move it a distance of 120 to 130 meters [about 400 to 425 feet] and return the bucket to the cut. In one hour it can shift about 1,200 tons of earth, or enough to fill approximately 250 five-ton lorries." The bucket capacity of this excavator is larger than would normally be considered economical for use in the United States, but the Harmattan colliery near Danville, Illinois, is now operating a dragline with a bucket capacity of 30 cubic yards. This huge dragline is expected to prove economical, because the body of coal being removed is large enough to keep the dragline operating for fifteen to eighteen years. Very likely the

large Soviet excavator will prove similarly profitable for similar types of operations.

In the construction of the Volga-Don Canal the engineers used a floating electric dredge with a productive capacity of 500 to 1,000 cubic meters (654 to 1,308 cubic yards) of earth an hour. Equipment of similar capacity has been used in the United States in the construction of locks like those between Alton, Illinois, and East St. Louis. It is alleged that "one 1,000 cubic meter dredge can pump out three kilometers [nearly two miles] of earth dam in a year, to a height of 25 meters [82 feet]."

Considerable modern equipment is apparently being constructed for use in logging operations. Electric saws for woodcutting are being used with movable electric-power stations. Special tractors are available, some of them amphibious, for hauling pulp wood over otherwise impassable roads, snow-covered ground, and swamps. These tractors are said to be equipped with winches for loading and unloading the logs, and to have gas-generating equipment which burns logs. "In one shift," says an article in *Planned Economy* (1953, III), "this tractor does the work of eight horses, at a cost less than half that when horses are used. The gas generator is equipped with a device permitting the use of damp logs as fuel, which makes it possible for tractors and automobiles to work in interior forests, far from supply depots. In some areas trolley and storage-battery electric locomotives are used."

ELECTRIC TRACTORS

Evidence that the Russians are not merely applying technical innovations that have been found to work successfully in Western countries is available in recent reports of experiments with an electric tractor, photographs of which were published in *Soviet Union* in April 1953 and July 1954. The tractor is a track-laying type with an electric motor, the current for which is supplied by a flexible cable that is unwound from a drum on the back of the tractor. From the drum the cable passes through a guiding arm that can swing around above the driver and his cab, so that when the tractor is returning to the source of current the cable is pre-

sumably wound back upon the drum from directly in front and over the head of the driver and the cab that shelters him. The tractor receives its power from a traveling transformer substation, which follows field power-transmission lines more or less as a trolley follows overhead cables.

It is said that "the speed of rotation of the drum is synchronized with the speed of the tractor, and therefore the cable always has a uniform tension, eliminating the possibility of the cable falling under the caterpillar. The tractor can go as far as 650 meters [710 yards] from the transformer substation supplying it." It can plow one hectare (about 2½ acres) in an hour, it is claimed. An article in *Planned Economy* (1953, III) states that experimentation has shown that electrification of plowing "sets free 30 to 40 percent of the personnel of tractor field brigades, and cuts the secondary labor force to one-seventh and the expenditure for spare parts and repair to a third or a quarter. Scarce fuel brought from a distance is replaced by local types of fuel and hydroelectric energy."

In a country where petroleum is somewhat scarce and its cost of transportation high, and where sources of hydroelectric power are plentiful and widely distributed, this invention may have more merit than in a country like the United States. No doubt the idea is not original with the Russians, but if they can make it practicable they may lay claim to some originality as innovators.

An article in *Voprosy Ekonomiki* (Problems of Economics) for October 1953 gives further arguments for the electric tractor. It "completely overcomes temporary increases in the resistance of the soil, without losing speed, and provides as much motive power as the heat tractor to accomplish deeper plowing. In sowing, its constant speed of movement assures a more uniform distribution of seed." Experimentation is said to be revealing deeper plowing and a greater harvest on fields worked with electric tractors. Improved models of the tractor are said to be controlled semi-automatically, by push-buttons, which is in line with the present Soviet (as well as American) preoccupation with automatization and

push-button controls. The driver communicates with machine-tractor station headquarters by high-frequency telephone, the high-tension line that feeds the tractor serving as telephone wire.

Electrification makes possible a saving of up to 20 tons of expensive fuel oil per tractor in a season, it is argued. If electric grain combines can be operated successfully—and the Russians are experimenting with models of combines for harvesting not only grain but potatoes, flax, cotton, and sugar beets—large fuel-oil savings can be obtained. There is no discussion of the great overhead expense involved in maintaining the necessary power lines, transformer stations, and cables.

Additional evidence that the Russians may really be inventing some new equipment is available in other photographs published in *Soviet Union*. The January 1953 issue, for instance, shows a model of a tea-picking machine which is said to do the work of 30 pickers. "Its elastic rubber fingers feel for the leaves and break off the ripe tips, searching for them deep inside the bushes," the caption above the photograph states. The July 1953 issue of *Soviet Union* shows a photograph of a similar machine.

A photograph of a potato-picking combine is shown in the October 1953 issue of the same magazine. It is said to do the work of 80 people. The June 1953 issue of *Soviet Union* shows two potato-planting machines being drawn by a tractor, with an operator for each machine. Although they may not be entirely original with the Soviets, cotton cultivators, toppers, sprayers, harvesters, and stubble-removers are described and illustrated in an article in that magazine for May 1953.

III

So many details about the functioning of the Soviet economy are denied to Western readers and students that we must be grateful for such information as is vouchsafed to us. The above descriptions of new types of capital equipment and modern industrial processes provide some concrete evidence of the kind of technological progress that appears to be going on in Russia. The Soviet

data on productivity increases, though exaggerated, are roughly consistent with the evidence of technical improvement.

In general, American experts who have dealt with published Soviet statistics have found the actual production figures which the government has chosen to publish to be ordinarily reliable, within the limits of errors in collection and compilation. The interpretations placed upon them must, however, be viewed critically, especially when they consist of percentage changes on a base of unknown magnitude. We have had one actual proof of the reliability of Soviet published claims. A copy of the detailed 1941 plan for the Soviet economy was captured by the Germans and subsequently obtained by United States government officials. This plan was photostated in book form and made available in American libraries to scholars who can read Russian. The figures published therein were found to compare closely with figures published by the Soviet government for popular and foreign consumption.

When the Soviet government does not desire the facts to be known, it does not publish them. Frequently data will be withheld because they may not be flattering to the regime. As a general rule, details of the functioning of the economy have been systematically withheld from publication since World War II, for strategic reasons. But when the Soviet authorities publish production data in their own press and technical journals, the data have to be as reliable as they can possibly make them, or the planners, engineers, and lower governmental and industrial officials who believe them would be misled, and errors too serious to countenance would be made. The planners themselves, however, may be the victims of some padding of output figures—by officials of individual enterprises seeking to avoid censure for failure to fulfill over-ambitious plans, or to obtain bonuses for alleged overfulfillment.

A fair amount of boastful exaggeration of achievements doubtless occurs in the articles describing technological progress, as well as other advances, but it is unlikely that the statements are made

up out of whole cloth. The Russian journals from which translations have been made in this article are intended primarily for domestic consumption, as are our technical journals in the United States, although almost all of the latter undoubtedly reach Russian engineers and scientists and are carefully read by them.

The recent productivity changes in Soviet industry that have been cited in this article indicate a considerable tapering off in the rate of increase in industrial output per man-year. Figures on output per man-hour would be a more accurate indicator of labor productivity, but the Soviet authorities have not chosen to make such computations available. Will the rate of productivity increase continue to fall, as the range of possible improvement in techniques narrows and as available sources of new labor power diminish? Or will the rate become stabilized somewhere around the latest figure published?

In his recent study of Soviet labor productivity, published in Bergson's *Soviet Economic Growth*, Walter Galenson, of the University of California, settles on a figure of between 3 and 4 percent as a reasonable annual rate of overall industrial productivity growth to use for purposes of prediction up to 1970. At the time he made his analysis he did not have access to the figures on productivity changes after 1951, but the reductions in the rate of increase since then seem to have been in line with his expectations.

GEORGE WASHINGTON—PORTRAIT OF A TRUE CONSERVATIVE

BY SAUL K. PADOVER

FOR more than a century and a half the granite reputation of George Washington has withstood the attentions of his idolators. Few other national heroes have ever been a greater target of idolatry, hagiography, iconolatry, myth-making, and breathless patriotic oratory. Washington was made into a graven image for the nation to worship.

This sanctification has done a grave injustice to a good and great man. It has stripped him of the common humanity with which he was so abundantly endowed. A passionate, sensitive, earthy, deeply feeling human being was transformed into an idol that, presumably, had never experienced anything but the loftiest patriotic emotions.

1

The person and character of Washington did, of course, lend themselves easily to national deification. He was of the stuff of heroes. He even looked the way a hero should look—tall and handsome, powerfully built and graceful. Jefferson said of him: "His person . . . was fine, his stature exactly what one would wish, his deportment easy, erect and noble; the best horseman of his age, and the most graceful figure that could be seen on horseback."

His sheer presence impressed everybody. Abigail Adams thought he had more grace and dignity than King George III of England. John Page, a Governor of Virginia, considered him greater than Cicero. Benjamin Franklin, bequeathing to him his gold-headed crabtree walking-stick, said: "If it were a sceptre, he has merited it and would become it." And his Negro servant, recalling the 27-year-old Washington's marriage to Martha Custis, exclaimed that there was nobody in that glittering wedding as-

semblage like the young Colonel: "So tall, so straight! and . . . with such an air! Ah, sir; he was like no one else! Many of the grandest gentlemen in their gold lace were at the wedding, but none looked like the man himself."

His dignity and self-esteem were such that to a superficial observer he appeared to be cold. Actually he was emotional, tender, and capable of outbursts of violence. An iron discipline, which he imposed upon himself all his life, kept a leash on his passions. "All the muscles of his face," Captain George Mercer, a fellow-soldier, wrote of him, "[are] under perfect control, though flexible and expressive of deep feeling when moved by emotion." His infrequent outbursts of anger were legendary. On the occasions when his rigid self-control broke under stress, he was, according to a contemporary, "most tremendous in his wrath."

One such instance is recorded in Jefferson's diary. At an important Cabinet meeting in August 1793, Secretary of War Knox referred to some particularly nasty abuse of the President that had just been printed in Freneau's hostile *National Gazette* and Bache's *General Advertiser*. The mention of these inimical newspapers so inflamed Washington's "irritable and high toned" temper that it finally broke up the session. Jefferson relates: "The Presdt . . . got into one of those passions when he cannot command himself, ran on much on the personal abuse which had been bestowed on him, defied any man on earth to produce one single act of his since he had been in the govmt which was not done on the purest motives, that he had never repented but once the having slipped the moment of resigning his office, & that was every moment since, that by god he had rather be on his farm than to be made *emperor of the world* and yet they were charging him with wanting to be a king."

Washington had the aloofness of the very shy. He was a poor public speaker, slow in expression, halting in thought, unendowed with quips or glibness. Strangers were likely to embarrass him and to reduce him to a slightly awkward silence. Only among friends would he warm up and show the gentle, and sometimes

whimsical, side of his nature. At best, however, he was a mediocre conversationalist, possessing, in the words of a contemporary, "neither copiousness of ideas nor fluency of words."

In person-to-person contact he was a gentleman of considerable charm, invariably courteous and attentive. His voice was pleasant and well modulated. In conversation he would look the interlocutor full in the face, weigh his words carefully, and show him an engaging deference. Ladies found him charming and he, in turn, could not easily resist them. His letters to women show him to be something of a romantic where they were concerned, curiously awkward in his faintly ursine attempts at badinage.

He was especially susceptible to the "fair ladies" in his youth. As an adolescent he was tormented by sex and sometimes poured out his sorrows in verse, which he wrote himself or copied from somebody. Some of the preserved verses show that he had troubles with the ladies. Possibly he was too bashful. To his journal he occasionally confided the sorrows of what he called "my Poor Resistless Heart." One verse, written by young Washington, is perhaps characteristic:

From your bright sparkling Eyes, I was undone;
Rays, you have more transparent than the sun,
Amidst its glory in the rising Day,
None can you equal in your bright array . . .
Ah! woe is me . . .

As a young officer serving on the lonely Western frontier, he wrote to a friend that he was in love with someone far away, that he was unhappy and tormented by the "recollection of a thousand tender passages." "The hours at present," he concluded, "are melancholy dull . . . I dare believe you are as happy as you say. I wish I was happy also."

A strong, masculine man, he was attracted to women all his life. "When once the woman has tempted us," he wrote to a lady at the age of 51, "and we have tasted the forbidden fruit, there is no such thing as checking our appetites, whatever the consequences may be."

An emotional man at bottom, Washington, the seemingly frosty hero, was capable of the grand, dramatic gesture. His farewell to his officers, on December 4, 1783, at Fraunces' Tavern in New York, was a scene out of a classic play. Standing before the men he had commanded for eight perilous and finally triumphant years, his customary self-control deserted him. Tears filled his eyes as he stood up, filled a glass with a shaking hand, and said in a trembling voice: "I cannot come to each of you to take my leave, but shall be obliged if you will each come and shake me by the hand." Silently they lined up and shook his hand. Then he returned home to Mount Vernon, after an absence of eight years, journeying through communities that embarrassed him by their outpourings of homage, determined to retire from public life forever. He had started his military career more than thirty years back, and now that he had won independence for his country, the American Cincinnatus, as the newspapers and the orators called him, felt that he merited retirement to the plow. He was only 51 and, as he wrote to his friend Lafayette, his sole desire was to be a private citizen, sitting under his "own vine and fig-tree," and "move gently down the stream of life until I sleep with my fathers."

Retirement, however, was a luxury that destiny did not permit him to enjoy.

II

What was there in George Washington that attracted so many diverse men and that made his country turn to him, almost as if by instinct, in any crisis? He was not a particularly great general; some of the more important battles of the Revolution were won by others. He was not, like Alexander Hamilton, a brilliant man; his mind, on the contrary, was slow and methodical. Nor was he an educated man; in literary culture and knowledge he could in no way be compared to such colleagues and contemporaries as Adams, Jefferson, or Madison. In articulateness or wit he was nowhere near Franklin.

Indeed, Washington had little formal education. A non-wealthy orphan, he had left school at the age of about 15, having acquired merely the rudiments of arithmetic, the art of reading, and a rather limited skill in spelling. It was only after he grew older, and by dint of hard application, that he learned to write without doing too much violence to spelling or structure. As a lad his literary compositions left much to be desired, as is shown especially in his early diaries. An interesting example is taken from his diary of March 15, 1748, covering his first surveying trip at the age of 16: "We got our suppers & was Lighted into a Room & I not being so good a woodsman as ye rest of my company, striped myself very orderly and went into ye Bed, as they calld it, when to my surprize, I found it to be nothing but a little straw matted together without sheets or anything else, but only one thread bear blanket with double its weight of vermin, such as Lice, Fleas, &c. I was glad to get up . . . I put on my cloths & lay as my companions."

What gives Washington his special distinction, what, in fact, accounts for his peculiar greatness and appeal is not book learning but character. In the course of a busy and active life he found little time and had small inclination to read; what reading he did was confined mainly to books of history and agricultural reports. But his character and personality were molded by a different kind of education—the living world around him. Washington carefully observed the best examples of proper behavior and deliberately modelled himself after the well-bred, class-conscious, and almost feudally elegant Virginia gentry, particularly the aristocratic Fairfax family. In the virtually self-contained plantation world of eighteenth-century Virginia a man was in a position to learn values that form the basic ingredients of leadership. There was hardly a better school anywhere in which to acquire the habits of sane command, the importance of good manners and dignified behavior, and, above all, that special noblesse oblige which fortifies the sense of leadership, no matter how self-sacrificing, and of responsibility, no matter how onerous. Among members of his

family and his neighbors young Washington chose models of manliness, ambition, self-respect, and practicality. He became an exquisitely constructed, firmly disciplined product of a society that was, in its day, steady of purpose and supremely self-confident.

He set himself gentlemanly standards of behavior quite early in life. At the age of 13 he elaborately copied a set of 110 "Rules of Civility and Decent Behaviour in Company and Conversation." The Rules are an amalgam of Calvinistic morals, Franklinian maxims, and Chesterfieldian manners. The significant thing about this handbook of behavior is not that Washington copied it as a schoolboy but that he seriously strove to live up to it as a man. A few examples will convey the flavor of the maxims:

Every Action done in Company, ought to be with some Sign of Respect, to those that are present.

Sleep not when others Speak, Sit not when others stand, Speak not when you should hold your Peace.

At Play and at Fire its Good manners to Give Place to the last Commer.

Come not near the Books or Writings of Another so as to read them unless desired or give your opinion of them unask'd.

Let your countenance be pleasant but in serious matters somewhat grave.

Reproach none for the Infirmities of Nature.

Shew not yourself glad at the Misfortune of another though he were your enemy.

When you meet with one of Greater Quality than yourself, Stop, and . . . give way for him to Pass.

Let your Discourse with Men of Business be Short and Comprehensive.

In writing or Speaking, give to every Person his due Title according to his Degree & the Custom of the Place.

Strive not with your superiors in argument, but always submit your Judgment to others with Modesty.

Undertake not to teach your Equal in the Art himself professes; it savors Arrogancy.

In your Apparel be Modest and endeavour to accomodate Nature, rather than to procure Admiration.

Associate yourself with Men of good Quality if you Esteem your own reputation; for 'tis better to be alone than in bad Company.

Let your Conversation be without Malice or Envy . . . And in all Causes of Passion admit Reason to Govern.

Be not apt to relate News if you know not the truth thereof.

Undertake not what you cannot Perform but be Carefull to keep your Promise.

Speak not Evil of the Absent for it is unjust.

Be not tedious in Discourse.

When you Speak of God or his Attributes, let it be Seriously & with Reverence.

Let your Recreations be Manfull not Sinfull.

Labour to keep alive in your Breast that Little Spark of Celestial fire Called Conscience.

The virtues Washington adopted and made his own were an integral part of his massive character. His qualities were not those of a wild-eyed dreamer or frenetic patriot. They were, rather, those of a tough-minded man of the world, ambitious to acquire wealth and honor, practical and conservative in all his dealings, always accepting the world exactly as it was, and generally untroubled by illusions of human nobility. "We may," he would tell his impatient friends, "lament that things are not consonant with our wishes, but cannot change the nature of man." In all his dealings with people he acted on the assumption that follies and foibles are inherent in mankind. "We must," he said often, "take the passions of men as nature has given them."

It was imperative for a gentleman to recognize the limitations of human nature and to act so as not to be entrapped by the weakness or greed of others. The weak and unfortunate called for assistance, but not for personal involvement in their ill luck. Washington practiced charity, but lost no emotions over its recipients. It was out of his carefully developed sense of duty that he often helped the needy even when he could hardly afford it. In his relations with individuals he scrupulously calculated their characters and gave them the exact respect they deserved.

Typical of his practical attitude is the letter he wrote to his 21-year-old nephew, Bushrod Washington, who went to Philadelphia to study law. Washington gave young Bushrod, who was later to become a Justice of the United States Supreme Court (1798-1829), advice worthy of Polonius:

Let the object, which carried you to Philadelphia, be always before your Eyes. Remember, that it is not the mere study of the Law, but to become eminent in the profession of it, which is to yield honor and profit. The first was your choice; let the second be your ambition . . . Dissipation is incompatible with both; . . . the Company, in which you will improve most, will be least expensive to you; and yet I am not such a Stoic as to suppose that you will, or to think it right that you should, always be in Company with senators and philosophers; but of the young and juvenile kind let me advise you to be choice. It is easy to make acquaintances, but very difficult to shake them off, however irksome and unprofitable they are found . . . The indiscretions and scrapes, which very often they involuntarily lead one into, prove equally distressing and disgraceful.

Be courteous to all, but intimate with few; and let those few be well tried before you give them your confidence. True friendship is a plant of slow growth, and must undergo and withstand the shocks of adversity before it is entitled to the appellation . . .

Do not conceive that fine clothes make fine men any more than fine feathers make fine Birds. A plain genteel dress is more admired, and obtains more credit than lace and embroidery . . .

The last thing, which I shall mention, is first in importance; and that is, to avoid Gaming. This is a vice which is productive of every possible evil; equally injurious to the morals and health of its votaries. It is the child of avarice, the brother of iniquity, and father of mischief. It has been the ruin of many worthy families, the loss of many a man's honor, and the cause of Suicide . . . In a word, few gain by this abominable practice . . . while thousands are injured.

If this sounds like mere moralizing, it should be kept in mind that Washington himself practiced his preachings. He was courteous, modest, moderate, and abstemious. He neither gambled nor drank immoderately. From early youth he imposed upon

himself a severe code of conduct which formed a kind of frame into which he fitted himself. Instead of repressing his character, the strong discipline and conscious purpose of his life elevated it. Of him it could be said that he learned to command himself so that he could command others.

The towering character of the man—that compound of Calvinistic morality and aristocratic obligation—enabled him to play the vital role that he did in the early years of the United States. It is perhaps hazardous to speak of individual indispensability in history, but if there ever was an indispensable leader at a critical moment in history, it was George Washington. In the formative years of the American republic, roughly between 1776 and 1796, the man, the moment, and the crisis coincided.

It was the sheer personality of Washington that was the decisive element in the three crucial events of early America—the Revolutionary War, the Constitutional Convention, and the first national administration. Hardly anything more than his steeled will power held together the ragged Revolutionary army in times of darkest despair; a weaker man would have given way to hopelessness as the troops kept on deserting, provisions were reduced to a famishing trickle, and funds dwindled to near-nothingness. The Commander-in-Chief complained furiously and bitterly, he wrote despairing letters of appeal for aid that were veritable cries of anguish, and he stuck to his guns. His iron sense of duty did not permit him the luxury of giving up what at times appeared to be a hopeless struggle.

Similarly, it was his presence that held together the Constitutional Convention in 1787. Chairman of the Convention, he was a silent member, but the fact that he was there was a guarantee of the importance of the meeting and helped to cement disparate elements. Washington's immense prestige was also a major factor in the adoption of the bitterly assailed Constitution, especially in the Virginia legislature, where the instrument, eloquently battered by the formidable Patrick Henry, was adopted by a mere majority of 5 out of a total of 168 votes. Rejection of the Constitu-

tion by Virginia, Washington knew, would have been a fatal blow to national union, particularly since Virginia, in numbers and in influence, was the biggest state in America. Thus in June 1788 he helped to save the union just before it began its operations.

Finally, it was Washington's personality—recognized far and wide for integrity, courage, wisdom, and patriotism—that launched the Republic under the Constitution. His exquisite sense of balance and steadyng wisdom reconciled clashing interests and opposing sections, and gave the new nation the fundamental shape that it has retained to this day.

III

An analysis of George Washington inescapably raises the question of the meaning of leadership. Washington was an almost classic type of leader, looked up to as such even by those who were his political opponents. What were the elements involved in his leadership?

I have already mentioned the obvious—the surface—characteristics: character, appearance, and self-discipline. But leadership is a two-way affair. It consists of the interplay between the leader and the led, between the person who symbolizes conspicuousness and those to whom it appeals. Washington's leadership, therefore, tells us a great deal about the America of his day. To the men and women of late eighteenth-century America Washington was the embodiment of the qualities they were taught to revere or to which they aspired. Had he not possessed the characteristics which to them were admirable or desirable, he would have been just another soldier, merely another aristocratic planter, no better and no worse than a thousand others.

Washington had exactly what his contemporaries knew was important in life—an unflinching belief in principles and a stern devotion to virtue. The principles were held to be inherent in man, and the virtues eternal. Any compromise with principles or virtues was an offense to God and man. A person aspiring to a respected position in society or to leadership had to be conspicu-

ous for his adherence to the values which the common people were taught to respect. An ordinary individual might violate the public virtues—he might get drunk, or beat his wife, or cheat at cards—but a leader, conscious of his position, could not and would not do so. The essential point is that a man like George Washington was expected to look and act like a gentleman, like a superior person, at all times and in all circumstances. Upon him and his like devolved the social responsibility of living up to the high standards of personal and public behavior that the eighteenth century considered natural and immutable.

For in those days American society was, in David Riesman's terms, "inner-directed." It had built-in standards of right and wrong, and it looked to its leaders to maintain them. A great leader's role was to be completely himself, to live in such a way as to strengthen the existing virtues of the people and to set them a model that they could follow and imitate. It was not required of him to talk down to the people or to flatter the masses. He was not expected to seek popularity through appeals to crude or base emotions. Indeed, the leading figures of that period did not make any appeals at all. Neither Washington nor Jefferson, for example, waged any campaigns for the Presidency. They did not promise or flatter or orate. Had a man like Washington been "other-directed," that is, concerned with the unstable stream of public sentiment, he would have lost both caste and position. His function was to be above immediate fluctuations of opinion, to pay no attention to the ever-changing momentary emotions of the majority. Deep inside of him he knew what was right and what was wrong, and he expected others, to a larger or lesser extent, to have the same moral mechanism that would make them respect the leader who had the steady and high moral virtues.

(It is perhaps ironic to reflect that in our own "other-directed" society George Washington would hardly be a successful leader, if, indeed, he would be considered a leader at all. A society whose main and overriding concern is with imitation of one another would probably be disinclined to follow a man of severe moral

conduct, a person who always knew right from wrong, and who was convinced that moral principles are the foundations of the universe and that they never change. It is difficult to see how Washington could receive many votes from the mid-twentieth-century American electorate. But all this is, of course, mere speculation.)

It is important to note that Washington himself was always conscious of his social position and, in later life, of his role as national leader. Although not a particularly religious individual or specially interested in theological questions, he became both vestryman and warden of his neighboring church, which he steadily attended and supported financially. His essential motive here was probably more social than ecclesiastical; he felt that a gentleman must set the proper example. This is not to suggest that Washington was an atheist or a Deist; in point of fact he did not question the existence of God. His writings are full of references to the Deity, Providence, and the Divine Creator who watches over man's destinies, punishing evil and rewarding virtue.

Likewise Washington took extreme care in ordering his military uniform, paying minute attention to buckles, laces, buttons, and other paraphernalia. This was not a matter of vanity—Washington was not a vain man—but of policy. A commanding officer must at all times not only act like one but look like one. He was equally careful in being meticulously garbed when posing for a portrait painter, and even in purchasing a "chariot." When he ordered a carriage in London, he gave his agent every possible detail as to materials, colors, shape, and quality. This was done not for vulgar display but for the fitness of things. He expected the carriage to last him a lifetime and he wanted it to be of the best—so that a gentleman would not be ashamed to be seen in it even when it was old. "I would willingly," he wrote to his London agent, "have the chariot you may now send me made in the newest taste, handsome, genteel and light; . . . to be of the best seasoned wood, and by a celebrated workman . . . Green being a color little apt . . . to fade, and grateful to the eye, I would give it the prefer-

ence, unless any other color more in vogue and equally lasting is entitled to precedence. In that case I would be governed by fashion. A light gilding on the mouldings . . . and any other ornaments, that may not have a heavy and tawdry look . . . might be added. A lining of a handsome, lively colored leather of good quality I should also prefer, such as green, blue, &, as may best suit the color of the outside."

He went into similar details when ordering his clothes from his London tailor. Again we have here a gentleman's consciousness of his worth and appearance. The emphasis is always on good quality and good taste. His "superfine broad cloth" must be "handsomely chosen."

After the Revolution, when he was a national figure, he became doubly aware of his role in the country and of his future position in the eyes of posterity. He did not know much history but he had enough familiarity with the names of the great men of the past to think of himself a little in comparison with them. Once more it is necessary to stress that we are not dealing here with a vain man but with an historically conscious one. Modest, although not humble, Washington was not unaware of his historic stature. When America had grown secure and powerful—and he was convinced the United States would become a great "empire"—then, he felt, her writers and poets would do for him and for other important American leaders what bards had done in the past in other countries. Somehow he sensed that there was a connection between the hero and the poet, between the political figure and the literary one. In antiquity, he once said, the poets were "both the priests and door-keepers to the temple of fame." This he wished to be true in America also.

There is an unusual letter which Washington, one year before his election to the Presidency, wrote to his friend Lafayette in Paris. In it he recommended Joel Barlow, an American poet as widely known in his day as he is obscure today. In introducing Barlow, of whom Washington was proud as an American, he indulged in historical-literary reflections of the most rare variety.

The letter throws a fascinating light into one corner of Washington's soul:

Men of real talents in arms have commonly approved themselves patrons of the liberals and friends to the poets, of their own as well as former times. In some instances by acting reciprocally, heroes have made poets, and poets heroes. Alexander the Great is said to have been enraptured with the poems of Homer, and to have lamented that he had not a rival muse to celebrate his actions. Julius Caesar is well known to have been a man of a highly cultivated understanding and taste. Augustus was the professed and magnificent rewarder of poetical merit—nor did he lose the return of having his achievements immortalized in song. The Augustan Age is proverbial for intellectual refinement and elegance in composition; in it the harvest of laurels and bays was wonderfully mingled together. The age of your Louis the Fourteenth, which produced a multitude of great poets and great captains, will never be forgotten; nor will that of Queen Ann in England, for the same cause, ever cease to reflect a lustre upon the kingdom. Although we are yet in our cradle, as a nation, I think the efforts of the human mind with us are sufficient to refute . . . the doctrines of those who have asserted that every thing degenerates in America. Perhaps we shall be found at this moment, not inferior to the rest of the world in the performances of our poets and painters; notwithstanding many of the incitements are wanting which operate powerfully among older nations.

Then he concluded, as if he were suddenly ashamed of this historic-literary outburst, with its oblique reflections and hopes about himself: "I hardly know how it is that I am drawn thus far in observations on a subject so foreign from those in which we are mostly engaged, farming and politics, unless because I had little news to tell you."

We see thus that as a leader Washington was a figure of classic mould, assiduously courting Dame Fame and winning her.

IV

Small wonder that so many of his countrymen began to deify him. The process of canonization started soon after his death. In 1800,

a few months after he was buried in the family vault at Mount Vernon, there appeared the first eulogistic biography that was to set the pattern. The title is descriptive of the book—*A History of the Life and Death, Virtues and Exploits of General George Washington, with Curious Anecdotes Equally Honourable to Himself and Exemplary to his Young Countrymen*. The author, Mason Locke Weems, described himself on the title page as "Formerly Rector of Mount Vernon Parish," an identification with Washington's own church that undoubtedly had much to do with the book's fabulous success. Young America, in the second decade of its nationhood, was hungry for a hero, especially one as ready-made as George Washington, and devoured Weems' rhapsodic production. As edition succeeded edition—there were about seventy of them altogether—the good parson kept on inventing more "curious anecdotes" until the figure of Washington was smothered in a morass of sentimental and moralistic extravaganza. Weems even appealed to future generations to genuflect before the sacred idol he helped to create. On the title page he urged: "Lisp! lisp his name, ye children yet unborn!"—a bit of advice which, if carried out, would be the neatest trick of the century.

Probably the most famous Weemsey (if the reader will allow the expression) was the cherry-tree story. It is a gem of Americana that must not be permitted to lapse into oblivion:

The following anecdote . . . is too valuable to be lost, and too true to be doubted; for it was communicated to me by the same excellent lady to whom I am indebted for the last.

"When George," says she, "was about six years old, he was made the wealthy master of a hatchet! of which, like most little boys, he was immoderately fond, and was constantly going about chopping everything that came in his way. One day, in the garden, where he often amused himself hacking his mother's pea-sticks, he unluckily tried the edge of his hatchet on the body of a beautiful young English cherry-tree, which he barked so terribly, that I don't believe the tree ever got the better of it. The next morning the old gentleman, finding out what had befallen his tree, which, by the way, was a great favorite, came into the house; and with

much warmth asked for the mischievous author, declaring at the same time, that he would not have taken five guineas for his tree. Nobody could tell him anything about it. Presently George and his hatchet made their appearance. 'George,' said his father, 'do you know who killed that beautiful little cherry tree yonder in the garden?' This was a tough question; and George staggered under it for a moment; but quickly recovered himself: and looking at his father, with the sweet face of youth brightened with the inexpressible charm of all-conquering truth, he bravely cried out, 'I can't tell a lie, Pa; you know I can't tell a lie. I did cut it with my hatchet.'—'Run to my arms, you dearest boy,' cried his father in transports, 'run to my arms; glad am I, George, that you killed my tree; for you have paid me for it a thousand fold. Such an act of heroism in my son is more worth than a thousand trees, though blossomed with silver, and their fruits of purest gold.'"

It is not easy to survive this kind of prose, and George Washington—as a human being—was immolated by it. If there is such a thing as a crime of herocide, Washington was its victim. To his countrymen he became an embalmed image, a figure of wood, a mindless icon. When this writer, in recent years, told friends and students that he was preparing a book on George Washington's political and social ideas, he was invariably asked the surprised and sceptical question: "Why, did Washington have any ideas?"

v

He had very definite ideas, especially about the kind of world he wished to see established in America. He was not a systematic thinker; nor did he take the trouble to formulate his ideas. "With me," he wrote on December 21, 1797, "it has always been a maxim rather to let my designs appear from my works than by my expressions." But scattered through his letters, addresses, and utterances there are strains of thought that show a basic pattern and that have fundamental consistency.

At bottom, George Washington was an eighteenth-century rationalist, a firm believer in the rule of reason and of justice, and a champion of republicanism. Despite his aristocratic habits and predilections, he detested the very idea of monarchical or auto-

cratic government; the suggestion that he should become a king outraged and shamed him. Unlike some of his distinguished contemporaries, Washington was a genuine republican. "I am told," he wrote to John Jay a year before the Constitutional Convention, "that even respectable characters speak of a monarchical form of government without horror. From thinking proceeds speaking; thence to acting is often but a single step. What a triumph for our enemies to verify their predictions! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves."

He was determined that, in so far as it was in his power and influence to do anything about it, America would not become an autocracy. He knew that there was no such thing as an ideal government, but he was convinced that a constitutional republic, run by responsible and honest men, was, as he told James Madison, "as near to perfection as any human institution ever approximated." He did, indeed, share Madison's middle-of-the-road political philosophy, striving for a government that would be strong enough to protect property and maintain order but not too strong to endanger the rights and liberties of the citizens. He was properly suspicious of too much military domination in public life, and always insisted that the civilian authority must be paramount at all times.

"General Washington," Jefferson said of him, "sincerely wished the people to have as much self government as they were competent to exercise themselves. The only point on which he and I differed in opinion, was, that I had more confidence than he had in the natural integrity and discretion of the people, and in the safety and extent to which they might trust themselves with a control over their government. He has asseverated to me a thousand times his determination that the existing government should have a fair trial, and that in support of it he would spend the last drop of his blood."

Washington constructed America's first national government with the same durable courage, inflexible purpose, and prudence

that he showed during the most hopeless days of the Revolution. He built from scratch, fully aware that he was laying the foundations of American liberty and that he was creating precedents that would determine the shape of the future. "Many things which appear of little importance in themselves and at the beginning," he wrote as President, "may have great durable consequences from their having been established at the commencement of a new . . . government. It will be much easier to commence the administration, upon a well adjusted system, built on tenable grounds, than to correct errors or alter inconveniences after they shall have been confirmed by habit." He was thus doubly careful as President to act in such a way that his successors would be able to continue in a sensible republican path. One precedent, incidentally, which he almost set was the official title of his office. He wanted to be called "His Mightiness, the President of the United States and Protector of their Liberties." Fortunately, a plainer title was adopted, and to this day the man who occupies the position of America's Chief Executive is simply "Mister President."

Whether as planter, soldier, or statesman, Washington was an incomparable administrator. Basically, good administration meant to him sound business principles. It was a matter of systematic application to the job at hand, attention to details, mastery of facts in any given situation, a careful recording of every act, a patient listening to clashing opinions, and a final decision based upon a balancing of the known data and interests. As Commander-in-Chief, Washington, who served the Revolution without pay, kept such a careful record of his expenditures during the eight years of the conflict that when he finally submitted his accounts to Congress his figures were off by only a few cents. He administered the army during the Revolution as meticulously as if it were his own extensive plantation. He kept complete records, worked long hours, delegated authority with the utmost care, never shirked responsibility or painful decisions, and maintained stern discipline among officers and men alike. Careless, pompous, untidy, or otherwise erring officers, no matter how high their rank, would feel the

lash of his wrath, for Washington did not believe in sparing the rod or concealing his opinions. Few officers or men dared brave his whiplike displeasure.

This is how he outlined his idea of military discipline in a letter to one of his officers: "The best general advice I can give . . . is to be strict in your discipline; that is, to require nothing unreasonable of your officers and men, but see that whatever is required be punctually complied with. Reward and punish every man according to his merit, without partiality or prejudice; hear his complaints; if well founded, redress them; if otherwise, discourage them, in order to prevent frivolous ones. Discourage vice in every shape, and impress upon the mind of every man, from the first to the lowest, the importance of the cause, and what it is they are contending for" (to Colonel William Woodford, 1775).

As planter, too, Washington insisted that his managers stick to sound business practices and follow a system. He urged them to think before acting, to plan each step in advance, not to waste time or labor, and, above all, to keep records of all their doings. Once when an overseer failed to reply to some of his questions, Washington wrote him a letter in which he carefully and patiently instructed him in the commonsense of good administration:

Whenever I set down to write you, I read your letter, or letters carefully over, and as soon as I come to a part that requires to be noticed, I make a short note on the cover of a letter or piece of waste paper;—then read on the next, noting that in like manner;—and so on until I have got through the whole letter and reports. Then in writing my letters to you, as soon as I have finished what I have to say on one of these notes I draw my pen through it and proceed to another until the whole is done—crossing each as I go on, by which means if I am called off twenty times whilst I am writing, I can never with these notes before me finished or unfinished, omit anything I wanted to say; and they serve me also . . . as memorandums of what has been written if I should have occasion at any time to refer to them.

He brought to the Presidency the gift of his administrative genius, which was enriched by thirty-five years of experience as

a large-scale farmer and commanding officer. In the Presidency he set the pattern of orderliness, promptness, and, above all, method. Upon assuming the duties of Chief Executive, he issued the following instructions to the Cabinet and heads of departments: "Let me impress the following maxim upon the executive officers. In all important matters, deliberate maturely, but execute promptly and vigorously and do not put things off until tomorrow; which can be done and require to be done today. Without an adherence to these rules, business will never be done, or done in an easy manner, but will always be in the arrears, with one thing treading upon the heels of another."

As President, he made it a habit to listen to all sides of a question—"that I may extract all the good I can"—and then make his own decision. When it came to appointments, he was secretive up to the last moment, in order to escape undue influences. In naming men to office, he was unmoved by political or social pressures, and impervious to the claims of special interests if he felt they ran counter to the national weal. He rigorously abstained from appointing relatives to office, lest he be accused of practicing nepotism. Consciously and systematically he strove, as President, to avoid even the slightest suspicion of partiality or bias and always to keep the interest of the whole United States in the forefront of his attention. Jefferson remarked that Washington's sense of integrity was so pure and inflexible that "no motives of interest or consanguinity, of friendship or hatred" were "able to bias his decision." His basic maxim of Presidential conduct was that what was good for America was good for George Washington.

"In every act of my administration," he once wrote to a group of Boston citizens who were critical of his foreign policy, "I have sought the happiness of my fellow citizens. My system for the attainment of this object has uniformly been to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; . . . and to consult only the substantial and permanent interests of our country."

In Washington's eyes the new federal government had to be a

model of integrity and impartiality, so that it could command the respect of the community and the loyalty of future generations. For he well knew that any political system, in order to be durable and successful, must be rooted in the affections and loyalties of the society.

America's experiment in self-government was important to Washington for two essential reasons, domestic and international. In his opinion, the American Constitution provided for a government based on what he called "the pure and immutable principles of private morality." As such a government, the American political structure must perforce bring happiness to the people, since it was to him axiomatic that virtue must be rewarded. The second reason for Washington's happiness at the launching of the new national government was that it would serve as an example to all of mankind. If successful in America, a self-governing republic would, he was sure, be imitated by other peoples. For, in common with many eighteenth-century minds, he took a world view. Indeed, Washington was a Freemason at a time when Masonry was reputed to be actively revolutionist, that is, engaged in a fight for freedom in many lands. In Europe, and probably also in Latin America, Masons were in secret or open opposition to clericalism, autocracy, and tyranny. They seem to have played a vital role in the French Revolution. As an active Freemason, Washington was pleased, he said, to have "true Brothers in all parts of the world."

His view of the new America as a land of domestic virtue and international example was unequivocally expressed in his First Inaugural Address. He said—and these words are astonishing when one recalls that America was then a numerically small backwoods on fringes of the Atlantic Ocean:

There is no truth more thoroughly established, than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; . . . we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules

of order and right, which Heaven itself has ordained; and . . . the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as *finally* staked, on the experiment intrusted to the hands of the American people.

And to Thomas Paine, whose writings he greatly admired, he wrote in 1792: "No one can feel a greater interest in the happiness of mankind than I do . . . It is the first wish of my heart, that the enlightened policy of the present age may diffuse to all men those blessings, to which they are entitled, and lay the foundation of happiness for future generations."

He had a definite philosophy of republican self-government. Republicanism, to him, meant a way of life that guaranteed personal freedom, the enjoyment of private property, and equal justice for all individuals. Although himself a Southerner and a planter, Washington, unlike most of his neighbors, was no agrarian. He took a national view of the Republic, convinced that there were other interests and other honorable ways of making a living than agriculture. He was pleased to observe the early growth of industry in Pennsylvania and New England; it meant a strengthening of the Republic.

Paradoxical as it may seem, the owner of several hundred slaves was also opposed to the institution of slavery. Washington, like other liberals of the period (he did refer to himself as a liberal), found slavery abhorrent, but, as a Southern landowner, he was trapped in its tragedy. There was simply no way to continue without slaves, since other labor was virtually impossible to obtain. But he detested the whole system of slavery. "There is not a man living," he told Robert Morris in 1786, "who wishes more sincerely than I do to see a plan adopted for the abolition of it." Like Jefferson, he often felt that the existence of slavery was like a bell in the night—it would toll death and tragedy. He played with a number of plans for emancipation; but for economic and political reasons nothing came of them. In his will, however, he provided for the manumission of his slaves.

In matters of religion, too, Washington was a child of the eighteenth-century Enlightenment. With Jefferson, Madison, and the other liberals of his day, he shared the idea of complete religious freedom. He was wholly free of the vulgarity of religious or racial bias. Once in trying to obtain some servants, he said that he did not care where they came from or what Deity they worshipped or did not worship. "If they are good workmen," he wrote, "they may be from Asia, Africa, or Europe; they may be Mahometans, Jews, or Christians of any sect, or they may be Atheists."

He knew that, in the past, religious persecutions had caused great misery. "Of all the animosities which have existed among mankind," he wrote, "those which are caused by differences of sentiments in religion appear to be the most inveterate and distressing, and ought most to be deprecated." For himself, he did not particularly care which, if any, path a man took to get to heaven. Referring to the conflicting sects of Christians, he told Lafayette: "Being no bigot myself, I am disposed to indulge the professors of Christianity . . . with that road to heaven, which to them shall seem the most direct, plainest, easiest."

It was a matter of special pride to Washington that the American Republic guaranteed full religious liberty to all, particularly to such persecuted groups as the Quakers and Jews. To the Philadelphia Quakers he wrote a characteristic letter: "The liberty enjoyed by the People of these States, of worshipping Almighty God agreeably to their conscience is not only among the choicest of their *blessings* but also of their *rights*. While men perform their social duties faithfully, they do all that Society or the State can with propriety demand or expect; and remain responsible only to their Maker for the religion or modes of faith which they may prefer to profess . . . I assure you very explicitly that in my opinion the conscientious scruples of all men should be treated with delicacy and tenderness."

In a similar vein he wrote to the Hebrew Congregation at Newport, Rhode Island, whose service he once attended. In that famous

letter he rejected the idea of mere toleration, stressing that in America freedom of religious worship was one of the "inherent natural rights." America, he said, did not require of its citizens spiritual conformity but only decent civic behavior. "For happily the Government of the United States . . . gives to bigotry no sanction, to persecution no assistance."

He was touchingly proud of America, proud that it was his country that was given the historic chance of serving as a model of republican freedom, which was the only way of attaining happiness. As he wrote to a French friend during the third year of his Presidency: "The United States are making great progress towards national happiness; and, if it is not attained here in as high a degree as human nature will admit . . ., I think we may conclude, that political happiness is unattainable."

In retrospect, it is now clear that the victorious American Revolution inspired not only the French Revolution of 1789 but also republican movements in many parts of the world, and most particularly throughout Latin America. George Washington's America started a worldwide chain reaction the end of which has not yet been reached. The American Republic, which Washington did so much to create, showed itself to be so enduring and successful that it became an example for many other nations to imitate. Hence it can be held that George Washington, the eighteenth-century Virginia planter, is more than a national American figure. He may be truly regarded as a giant in the history of human freedom.

THE PHILIPPINE RURAL DEVELOPMENT PROGRAM

BY M. LADD THOMAS

THE Philippine government is currently devoting a large portion of its attention to a program of rural development. President Magsaysay, who was elected largely on the basis of his promise to improve living conditions in the rural areas, has made rural development the keystone of his administration's program. Actually, certain rural development projects, such as building artesian wells, were initiated by the Quirino administration, but they have been continued and supplemented by the present regime. The importance of the new program is emphasized by the fact that approximately 75 percent of the total population of the Philippines lives in rural areas.

The primary political unit in the Philippine rural areas is the barrio, which is itself a political subdivision of the municipality and chartered city. In more simplified terms, barrios, especially in the municipalities, are rural areas somewhat reminiscent of the Midwest townships in the United States.¹ The typical barrio has a center which, in its physical aspects, bears a marked similarity to the American village. Most of the Filipino peasants live in the villages, daily going to and from work in the outlying fields. These villages serve as the centers of the barrios, which themselves surround the poblaciones—that is, the business centers and seats of government of the municipalities and chartered cities.

A recent fact-finding survey sponsored jointly by the Philippine Council for United States Aid and the Foreign Operations Administration revealed that the rural areas have insufficient capital

¹ See Joseph Ralston Hayden, *The Philippines: A Study in National Development* (New York 1950) p. 263.

and credit facilities, and that few, if any, national government services other than education are offered the rural citizenry; these services, in limited amounts, are found only in the *poblaciones*.²

The plight of the rural areas is made more serious by the inability of the cities, municipalities, or barrios themselves to provide government services to barrio inhabitants. In this respect the administrative worth of the barrio varies according to location. Where a barrio is situated in or near a *poblacion*, it has practically no administrative significance. Under such conditions the barrio becomes nothing more than a ward or neighborhood, having no autonomy, and itself providing no direct services such as fire protection or garbage collection for the barrio people; even the maintenance of law and order is ordinarily handled by non-barrio officials, that is, municipal or city police. In such situations the chief barrio official—the barrio lieutenant—is administratively important and useful only to the extent that he facilitates the distribution of services to the barrio by municipal or city officials;³ for example, he urges the people of his barrio to remain peaceful, thus aiding the municipal or city police forces to maintain peace and order.

In more remote areas the barrio itself, through the barrio lieutenant, directly performs what few services are available to the inhabitants. These outlying communities seldom receive any services from the municipality or city of which they are a part, despite the fact that their taxes help support services for the *poblaciones* and for barrios located near urban centers. This is largely due to poor transportation facilities in the rural areas, and to the indisputable fact that many cities and municipalities are financially unable to provide services to their distant sub-units.

The weak financial condition of chartered cities and municipalities is due largely to the limited taxing powers of these units, to unrealistic estimates of future revenue collections, and to the

² *Philippines Herald*, August 8, 1953.

³ See John H. Romani and M. Ladd Thomas, *A Survey of Local Government in the Philippines*, Institute of Public Administration, University of the Philippines (Manila 1954) p. 15.

fantastically high rates of tax delinquency.⁴ Most cities are explicitly restricted by their charters from levying a real property tax exceeding two percent *ad valorem*. There are additional limitations on city taxing power: for instance, the Iloilo charter prohibits a city tax on a merchant in excess of 500 pesos annually (\$250). These tax limitations leave the cities largely dependent on two erratic and inadequate sources of locally raised revenue—market and slaughterhouse fees and city license fees.

City and municipal treasurers and other officials habitually overestimate the revenue collections for the ensuing fiscal year, and it is on the basis of these estimates that budgets are drawn. Thus when the anticipated revenue collections do not materialize, cities and municipalities are left in grave financial straits.

In many chartered cities and municipalities, tax delinquency has almost reached the point where delinquent taxes exceed paid taxes; for example, 50 to 60 percent of the land taxes due the chartered city of Naga are delinquent. This means, obviously enough, that large amounts of taxable revenue are annually being lost to the cities and municipalities, which have insufficient revenue even without these losses. Of course, some delinquent taxpayers are financially incapable of paying their taxes, but many others are capable and simply refuse to pay. City charters provide ample legal authority for city treasurers to confiscate and sell real property of tax delinquents, but this enforcement measure is rarely used because of political pressure on the treasurers; the last treasurer of Naga, which has one of the highest tax-delinquency ratios, never initiated confiscation proceedings against real property of tax delinquents. Continued inaction on the part of the city treasurer is accepted, even tacitly encouraged at times, by the Department of Finance, which is also unduly responsive to political pressures.

In view of the financial dilemma of the cities and municipalities, the remote barrios are usually left to shift for themselves, administratively speaking, bothered only at intervals by agents of the municipal or city treasurer. For all practical purposes, a barrio

⁴ See *ibid.*, p. 116.

lieutenant in a remote or isolated barrio is the sole government for that barrio. He maintains law and order by deputizing barrio citizens as rural policemen (they receive no financial compensation); also he adjudicates, arbitrates, and penalizes in the majority of the numerous but petty cases that arise on the barrio level. These limited services are about the only ones rendered to the barrio folk by the barrio. Otherwise the picture is rather bleak. Since the barrio has no power to tax, and since most of the revenue obtained through taxation by higher political units is not returned to the barrio in the form of services, the barrio has no means of providing for itself the much needed sanitation, public works, and other services.

Poverty stricken, lacking proper health and sanitation facilities, and almost completely isolated by poor or non-existent roads from the city markets, the barrio people naturally have a depressed standard of living. This fact was the principal cause of the dissatisfaction and unrest which the Huks so cleverly exploited in the rural areas during the immediate post-independence period.

II

The Rural Development Program is designed to solve this crucial problem. The program aims at raising the standard of living in the rural areas through large-scale government efforts, both Philippine and foreign, through government-induced self-help projects, and through strengthening the barrio as a political unit by granting it more autonomy.

An indication of the scope of this program is the fact that more than twenty-five public and private organizations are actively engaged, with varying degrees of success, in rural development projects. In the financial sphere, for example, the Philippine government has established an agency called ACCFA (Agricultural Credit and Cooperative Financing Administration), which has as its main objective the improvement of production and marketing of farm products by providing farmers with credit through cooperative associations organized by the farmers. Most farmers

have no collateral for which they can obtain cheap credit. Therefore in the past they were forced to borrow from the ubiquitous money lenders, who charge ruinous interest rates, normally ranging between 66½ and 200 percent a year.⁵ Under the ACCFA program, however, farmers who can raise 10 pesos each—as most of them can—organize themselves, with ACCFA encouragement, into farmers' cooperative marketing associations (FaCoMas), each with a minimum membership requirement of 200. This means that each FaCoMa is assured of at least 2000 pesos in paid-up capital, which is accepted by ACCFA as collateral for certain types of loans to members of the FaCoMa.

Through a FaCoMa, ACCFA can extend crop loans, farm-improvement loans, and commodity loans to individual members, as well as a facility loan to the FaCoMa organization. The mechanics of the latter type of loan are particularly interesting. ACCFA will give each FaCoMa a facility loan worth four times the paid capital of the FaCoMa. If the FaCoMa wants, for instance, to build a warehouse in which to store palay until market prices rise, and if it has 2000 pesos of paid capital, ACCFA will lend it up to 8000 pesos for the construction. The FaCoMa is then obliged to repay the loan from its profits within a ten-year period.⁶

In addition to its activities aimed at providing credit to the rural areas, the government has undertaken extensive public-works projects in the barrios; these include the construction of artesian wells, school buildings, roads, and bridges. Also, the government is attempting to provide medical services to the barrios by encouraging young medical graduates, through subsidization, to spend two years or more practicing medicine in the barrios in lieu of serving out internships in urban hospitals. Numerous government departments and special agencies are working to alleviate the barrio or rural problem.

Two government agencies—the Department of Education and

⁵ Manila Times, January 3, 1954.

⁶ Ibid., February 19, 1954.

the Social Welfare Administration—are particularly concerned with promoting self-help projects in the barrios. The barrio school teacher, for instance, has become the adviser, indeed the key figure, in the puroks, which are privately sponsored community organizations that seek to attain better barrio living standards through cooperative effort, such as adult education, building and maintaining schools and parks, and other needed self-help projects. The Social Welfare Administration primarily concerns itself with sending field workers into the barrios to organize and teach the barrio people about self-help methods.

One additional means of strengthening the barrio has been discussed by the government, but as yet has not been implemented. This entails the granting of increased political autonomy to the barrio in order to encourage local initiative and participation in barrio affairs.

The scope and nature of the various projects included in the Philippine Rural Development Program pose certain administrative problems, the first of which revolves around the need for project coordination. As matters now stand, each Philippine government department and agency, and to a certain extent each division of the Foreign Operations Administration and the United Nations concerned with rural development in the Philippines, operates more or less independently of other government and private organizations dealing with rural improvement. Aside from a few general directives issued by the President of the Philippines and setting the broad objectives, the departments and agencies formulate their own immediate objectives and the means of reaching them, usually without inter-organizational consultation. What results is an uncoordinated, often unrelated, series of projects at the rural level—and then only in some barrios, normally selected on a hit-or-miss, non-priority basis.

Obviously, this situation must be remedied if rural development efforts are not to be duplicated, funds squandered, and the effectiveness of the whole program destroyed. Thus far, two efforts—one private and one public—have been made to coordinate all

the government and private activities which seek to aid the rural areas. In 1953 PRUCIS (Philippine Rural Improvement Society)—a private organization—created the Rural Council of the Philippines, for the avowed purpose of coordinating government and private rural development programs. This Council was composed of the Executive Secretary of PRUCIS and four representatives from other groups concerned with rural development. But it never enjoyed the support of the government departments and agencies participating in rural development projects. Lacking this support, and possessing no authority in its own right, the Council was soon moribund.

The other coordinating effort is the Community Development Planning Council, which was created by the government on August 16, 1954. This Council is supposed to coordinate all rural development activities, and it enjoys considerable prestige since it is composed of several important government officials and private citizens. It is still too early to evaluate its effectiveness, but the Council is certain to encounter a serious difficulty: the strong desire of each agency to be designated as the coordinating body for rural projects. Also, each agency is extremely jealous of its own functions, and wishes to retain as much independence of action as possible. These tendencies could undermine the authority of the new Council unless it vigorously yields its power advantageously.

A second administrative problem is the lack of sufficient numbers of trained technicians and administrators to carry out the Rural Development Program. Certainly there are not enough of these individuals now available for rural development projects in the more than 18,000 barrios of the Philippines. There have been indications, of late, that the government is considering the establishment of a few regional training centers and model barrios. The plan is to select, from every barrio in the Philippines, one individual to be trained in the multiple functions of barrio self-help projects by attendance at these training centers and by first-hand observation of the model barrios in action. It is expected that each of these trainees would then return to his barrio to

initiate, and then supervise, self-help projects. Also, he would administer the national-aid services to the barrio, except those of an extremely technical nature.

A third and final problem of administration is created by the government's apparent intention to grant additional autonomy to the barrio in order to encourage popular participation in barrio self-help projects. The difficulty with this plan is that there is no local-government tradition in the Philippines, but on the contrary a strong centralistic heritage, acquired from the Spanish. The average Filipino respects only authority that emanates from the central government in Manila, for, remote as it may be, Manila has historically been the ultimate source of local-government authority.⁷ While this respect for central authority has in recent times been partially extended to the local governments of the chartered cities and municipalities, no such respect exists for the barrios, which traditionally have exercised no real political or fiscal autonomy.

With respect to the future of the Rural Development Program in the Philippines, one general observation is in order. Although the administrative problems inherent in the program are not insoluble, they do require that the program be effected gradually, over a longer period of time than is now contemplated. Such a program cannot be carried out successfully overnight. It requires, at best, a period of ten to fifteen years. If this inescapable fact is accepted by the Philippine government, the prospects are favorable that the Rural Development Program will eventually produce gratifying results.

⁷ See Romani and Thomas, *op. cit.*, pp. 117-18.

COLLECTIVE SELF-DEFENSE UNDER A REVISED UN CHARTER

BY WALTER S. G. KOHN

IT APPEARS very likely that a serious attempt will soon be made at revising the Charter of the United Nations. At San Francisco in 1945 it was agreed (Article 109, III, of the Charter) that the General Assembly is obliged to place a proposal for calling a conference to consider amendments to the Charter on the agenda of the tenth annual session, unless such a conference has already been held, which of course is not now the case. If a majority of the members of the General Assembly and any seven members of the Security Council deem it advisable to have such a conference it will presumably be held, and various proposals for revising the Charter will be discussed and considered.

Among them will certainly be suggestions for curbing the abuse of the rule of unanimity in the Security Council. This is the device which gives each of the "Big Five" the right of unilateral negation. The Western powers have not been exactly favorably impressed, to put it mildly, by the way in which the Soviet Union has used her veto privilege. For this reason, a proposal would probably be advanced to enlarge the powers of the General Assembly at the expense of the Security Council. Since the Anglo-Saxon countries wield such a large proportion of influence in the councils of the United Nations, the most natural thing to do would be to follow their practice and to incorporate into the Charter officially what has already been adopted in fact. Probably the most important aspect of Western practice concerns the measures for collective defense in the event of aggression.

1

In March 1945, shortly before the delegates of the United Nations convened at San Francisco to write the Charter from the proposals

made at Dumbarton Oaks, the countries of the American continents agreed to what is now known as the Act of Chapultepec. This was a declaration of principles and a recommendation for the conclusion of an inter-American treaty of reciprocal assistance—which was actually completed at Rio de Janeiro more than two years later. When the Charter was being constructed, the problem arose as to how the Chapultepec proposals could be incorporated into that document. The Latin American states, which constituted more than one-third of all the conferees, were not inclined to have their solidarity treated lightly, and they desired specific recognition of the legality of agreements such as theirs. The result of many hours of arguing and debating was the celebrated Article 51 of the Charter of the United Nations:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

There was nothing comparable to this in the Dumbarton Oaks proposals, which had been drawn up the previous fall and which formed the basis for the negotiations that culminated in the Charter. Indeed, what persuaded the Latin American countries to press their demand as vigorously as they did was the fact that in the meantime Prime Minister Churchill, President Roosevelt, and Premier Stalin had agreed at Yalta to the voting formula for the Security Council which gave the "Big Five" permanent members the right of veto. The Latin American nations, the largest single group, did not want to find themselves completely at the mercy of the big countries, especially since any unqualified majority system would obviously work in their own favor. As a safeguard, they insisted on a special provision to take care of their

particular case, and—largely through the efforts of the United States delegate, Senator Arthur H. Vandenberg—they were rewarded with Article 51, placed somewhat as an afterthought, as it were, at the end of Chapter VII of the Charter, in which "action with respect to threats of peace, breaches of peace, and acts of aggression" is dealt with.

The motives of the American states have been well expressed by the Director General of the Pan American Union. In his report on the results of the Rio Conference of 1947, M. Alberto Lleras discussed the question of collective security as interpreted by the Rio Treaty, and then continued:

All the foregoing applies, of course, until the Security Council of the United Nations has taken *the measures necessary* to maintain peace or security, or to restore them. It is so stipulated in the Charter, and at no time have the American States claimed that their measures could go beyond that impassable limit. Moreover, I have the personal conviction that Article 51 would not have been necessary in the Charter, nor would the Treaty of Rio de Janeiro have been indispensable if the great powers that decided upon the system of voting in the decisions of the Security Council had not refused any substitute for the so-called rule of unanimity. This rule puts the fate of the world, and its peace and security, in the hands of any one of them. There would have been no reason for Article 51 if the States—and not only the American States but many others that helped draft it and voted for it—had not had legitimate reasons for believing that a single one of the Big Five could, arbitrarily and without explanation, by paralyzing the action of the Security Council, protect an armed attack until a tremendous injustice had been perpetrated and a nation or group of nations been devastated. The natural thing would be for the United Nations Charter to have formed a world alliance against the aggressor, whoever he might be, excluding no one from punishment if that party violated the rules established by all the signatory peoples. It means that the Treaty of Rio de Janeiro would have been included in the Charter, with the same principles and same procedures. Then, no one would have feared that aggression, armed attack, or an attempt against the independence or sovereignty or territorial inviolability of any State could take place

in the presence of an impotent Security Council, kept from preventive or restraining action by a single vote. But the insistence that that was the only formula for obtaining the peace and security of the world made it necessary to accept Article 51 as the States' only positive guarantee that they would be able to defend themselves, at least, against an aggressor that eventually might find voluntary or involuntary protection in one of the permanent members of the Council while it carried out all its objectives.¹

This gives us a fairly clear picture of the fears that motivated the American nations when they insisted on the insertion of Article 51. Of course, nobody would deny the existence of the right of self-defense, a right that is very much older than the Charter.² To turn the other cheek may be an admirable procedure, but it is certainly out of the question in international politics. When a country is attacked, it can be counted upon to fight back unless it recognizes the situation as utterly hopeless from the beginning. Resistance to the attacker is clearly permitted in international law if the principle of self-preservation is involved.³

But Article 51 widens the scope of action, inasmuch as it does not necessarily limit the right of self-defense to the immediate victim of the armed attack. The right of self-defense that it upholds is "individual or collective." And, in Kelsen's words, "This means that any member of the United Nations is authorized by the Charter to assist with its armed force the attacked against an aggressor. This is implied in the provision recognizing not only the right of individual self-defense but also the right of collective self-defense. The terminology is rather problematical. The term "self"-defense is correctly applied only to the state which is the victim of the armed attack. The other members of the United

¹ Pan American Union, *Report on the Results of the [Rio] Conference, Congress and Conference Series No. 53* (Washington 1947) pp. 37-38.

² See, for instance, Senator Borah's comments in the *Congressional Record* of January 3, 1929, during the debate on the Kellogg-Briand Pact.

³ Practically all writers on international law confirm this. See, for example, William Edward Hall, *A Treatise on International Law*, 8th ed. (London 1924) p. 65.

Nations which assist the attacked state, act in the defense of the latter, but not in self-defense."⁴

Another authority on international law has also stressed that the term "collective self-defense" is not too happily chosen, since in actual fact it refers not to self-defense but to defense of another state—to *Nothilfe* (assistance in an emergency) rather than to *Notwehr* (defense in an emergency).⁵ But no matter what the terms, the fact remains that the Charter does actually authorize other nations to come to the aid of the attacked "until the Security Council has taken the measures necessary to maintain international peace and security."

It is not within the scope of this paper to discuss exactly what constitutes an armed attack, or precisely how after such an attack peace and security can be reestablished.⁶ The Charter is far from clear on these points, and leaves much to interpretation. It is important to realize, however, that as soon as the Security Council has taken the necessary measures, whatever they may be, all action previously taken under Article 51 must cease: thus the authority of the United Nations organ charged with upholding peace and security in the world is paramount.

This fact assumes even greater significance when we remember that Article 51 formed the basis not only of the Rio Treaty, which after all is of a regional character, but also of the North Atlantic Pact, as is made quite clear by the latter's wording, particularly in Article 5, which the Senate Foreign Relations Committee has termed "the heart of the treaty."⁷ The overriding authority of

⁴ Hans Kelsen, "Collective Security and Collective Self-Defense under the Charter of the United Nations," in *American Journal of International Law*, vol. 42 (1948) p. 792.

⁵ Josef L. Kunz, "Individual and Collective Self-Defense in Article 51 of the Charter of the United Nations," in *American Journal of International Law*, vol. 41 (1947) p. 875.

⁶ Hans Kelsen (*op. cit.*, p. 792) draws attention to the inaccurate wording of the Charter in this respect too: after an armed attack, peace and security must obviously be "restored" and not "maintained."

⁷ Eighty-First Congress, First Session, *North Atlantic Treaty*, Report of the Committee on Foreign Relations, Executive L (Washington 1949) p. 12.

the United Nations is stressed again and again. During the Congressional Hearings, Senator Vandenberg stated very plainly that according to Article 51 "even the cooperative effort which is made under the North Atlantic Treaty ceases the first moment that the Security Council has taken the measures necessary to maintain international peace and security," and immediately he received the full support of Secretary of State Dean Acheson on this issue. There seemed to be general agreement in the Senate Foreign Relations Committee when Chairman Connally said in the Hearings that "we are not trying to chisel off or destroy or impair the United Nations," but "this treaty shall in a way be supplementary thereto, and in conformance with the cardinal principles of the United Nations." And Senator Vandenberg, whose share in building the steps leading to the formulation, signing, and ratification of the Treaty was second to none, added significantly: "So long as the United Nations is able, under its procedures, to function, the North Atlantic Pact does not function in action."⁸

In November 1950, however, a new factor appeared which changed the situation drastically. In the "United Action for Peace" resolution the General Assembly declared its readiness to step in and seize the banner of freedom around which the whole world could gather if the Security Council were to fail to play its constitutionally assigned part of St. George.

When hostilities broke out in Korea, in June 1950, the world organization could take action only because of the absence of the Soviet representative from the council table. With the return of the Russian delegate the ghost of a paralyzed Security Council again began haunting the world, and the question naturally arose whether in the event of another communist attack elsewhere the United Nations would be condemned to inaction. In order to reduce the chances of such an event as much as possible, the General Assembly, on November 3, 1950, adopted the so-called

⁸ Eighty-First Congress, First Session, *The North Atlantic Treaty*, Hearings before the Committee on Foreign Relations, U. S. Senate, Executive L (Washington 1949) Part 1, pp. 22, 115, 116.

"United Action for Peace" resolution. Proposed by the United States in conjunction with Britain, France, Uruguay, Canada, the Philippines, and Turkey, its far-reaching provisions never failed to attract a minimum of 45 votes from the General Assembly's 60 members, and certain parts of the resolution were adopted unanimously; whenever there was active opposition it came exclusively from the five members of the Soviet bloc. In what is probably the document's most significant passage (Paragraph 1) the General Assembly resolved that

if the Security Council, because of lack of unanimity of the permanent Members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven Members, or by a majority of the Members of the United Nations.

The importance of this resolution can hardly be overestimated. It may be said, of course, that after all it constitutes only a recommendation, and that in any case the General Assembly, under Chapter IV of the Charter, has no right or power to pass anything stronger than a recommendation. This is perfectly true. Yet such events as the Palestine developments have given the General Assembly far greater scope of action in practice than a casual reading of the Charter's text would indicate. Its recommendations carry an increasing weight in the world today. Moreover, three-quarters of the members of the world organization, including all but one of the major powers, "recommended" that certain powers be given to the General Assembly, and it is obvious that

this step in itself is much more significant than the actual wording of the resolution seems to imply.

In this particular case the Assembly has taken upon itself a function normally exercised by the Security Council. That the latter has "primary responsibility for the maintenance of international peace and security" is freely conceded. But in case disagreement among the major powers prevents the Security Council from taking action to meet a crisis, the General Assembly can now step into the breach. If in session it can consider the matter forthwith; otherwise a majority of the members of the United Nations, or any seven countries represented on the Security Council, may demand an immediate emergency session within twenty-four hours. Collective measures may then be recommended in order to restore international peace and security. Any such move by the General Assembly would restore the character of universality to the fight against aggression.

II

The question now arises to what extent the resolution of November 1950 affects the standing of the North Atlantic Treaty, in terms of international law and the Charter of the United Nations. If a preventive medicine has been used for a number of years and suddenly another remedy is discovered, it seems obvious that the older measure is at the very least diminished in importance, if it is not altogether replaced. In our particular case we find that the spokesmen for the countries that signed the North Atlantic Treaty have stated and restated their willingness to abide by, and their faith in, the Charter of the United Nations. Even more strongly expressed is their agreement with the principles and purposes that led to the writing of the San Francisco document. All the North Atlantic powers that are members of the United Nations voted for the "United Action for Peace" resolution, thereby presumably implying their willingness to accept the jurisdiction of the General Assembly if the Security Council should be unable to act. This can be interpreted only as implying that they still prefer universal

to individual action. In other words, they too, it appears, would rather act under the general auspices of the United Nations than utilize the right of what was termed "collective self-defense" under Article 51.

The statement by M. Alberto Lleras, quoted above, makes it clear that at least in his view Article 51 would have been unnecessary if there had been a likelihood of universal action in case of aggression, without the danger of the paralyzing veto in the background. Through the "United Action for Peace" resolution this stumbling block can now be overcome. If the need arises, the Security Council can meet within a matter of hours, and any seven members can decide on a call for an emergency session of the General Assembly. This session could take place within one day. Since there is no preventive veto in the General Assembly, a recommendation as to how to deal with the situation could also be forthcoming in a very short time. This does not, of course, dispense with the "inherent right" of individual self-defense which the attacked state will undoubtedly exercise in order to fight the aggressor. But the other countries that may want to come to the assistance of the victim have no longer any reason for relying on Article 51: action by the General Assembly can be expected forthwith, and the aggression can thus be met on a universal, rather than on an individual, basis.

As has been mentioned, the tenth regular session of the General Assembly of the United Nations will have the task of considering the holding of a conference charged with revising the Charter. If such a conference is decided upon, it is reasonable to expect that in some form or another the "United Action for Peace" resolution will most probably find its way into the amended Charter. Should this occur, the present form of Article 51 will have to be changed, for to authorize official action by the General Assembly and at the same time permit individual states to take their own measures in the name of "collective self-defense" would surely create a very chaotic situation, and the cause of collective security would, to say the least, not be advanced. The principle of collective self-

defense was adopted because the possibility existed that the requirement of unanimity among the major powers would prevent the Security Council from acting in case of aggression. If the General Assembly were now to be empowered to act in place of a deadlocked Security Council, the need for collective self-defense as envisaged in Article 51 would obviously disappear. In such circumstances the reference to collective self-defense would have to be abandoned. Article 51 would still be needed in so far as it proclaims the right of the attacked nation to defend itself, that is, the right of individual self-defense. But if prompt action can be expected from the international organization, the mention of collective self-defense will have to be omitted in the wording of Article 51.

Where would this leave the North Atlantic Treaty and similar mutual-assistance pacts that are built precisely on the collective self-defense provision of Article 51? Amendment of the article in the way just suggested would deprive these treaties of their legal basis under the Charter. Since the General Assembly could overcome the inaction of a paralyzed Security Council, a case could be made for an outright discarding of the North Atlantic Treaty. But whether such a move would be in the interest of the Atlantic powers is another question, for the pact does not merely aim at assuring the fourteen signatories that an attack on any one will be regarded as an attack on all, but also seeks to bring about close cooperation in the political, economic, and cultural spheres. "The avowed goal of the governments of the North Atlantic Treaty Organization is to create an Atlantic Community. This has been repeatedly stated to be their ultimate objective. This implies a permanent association of free countries for the protection and advancement of ideals they have in common, not merely a temporary military alliance."⁹

In other words, the North Atlantic Treaty has grown far beyond its original purpose and is no longer merely a defensive pact.

⁹ Royal Institute of International Affairs, *Atlantic Alliance—NATO's Role in the Free World*, Report by a Chatham House Study Group (London 1952) p. 145.

aimed at supplementing Article 51 of the Charter. This is a basic reason why it cannot be lightly abandoned. Yet legally the entire North Atlantic system, built up carefully and painstakingly over the past six years, would be put in jeopardy.

The United Nations Charter (Article 109, II) declares that "Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council." This means that the Supreme Soviet, like the legislatures of the other permanent members of the Security Council, has full power of negation. Russia is known to oppose any measure designed to curb her veto, and therefore she can be counted upon to vote against, and thus successfully prevent, the incorporation of the "United Action for Peace" resolution into an amended Charter. By doing so, however, the Soviet Union, whose lack of cooperation with the rest of the world necessitated the North Atlantic Treaty in the first place, would again accomplish the very last thing she intends to bring about—for by pursuing that course she would be responsible for maintaining the legality under the Charter of the Western defense system.

BOOK REVIEWS

ALMOND, GABRIEL A., with Herbert E. Krugman, Elsbeth Lewin, and Howard Wriggins as principal collaborators. *The Appeals of Communism*. Princeton: Princeton University Press. 1954. xix & 415 pp. \$6.

If it is naive to suppose that the communist man is the same kind of political being that the democrat or conservative or socialist is, it is equally naive to suppose that every communist is a hardened conspirator, even before he joins the party. While this statement will not break with sudden light on thoughtful people, some of us may well find it hard to elaborate and extend it. It is to the credit of Professor Almond and his collaborators that they have done just that. To study what the appeal of communism is, and thereby to help legislators and administrators refine their concepts of heresy and conspiracy, is an important task, and it is faced in their book with thoughtfulness and fulfilled with precision.

The authors, distinguishing between esoteric and exoteric communication, show, by careful content analysis, that the portrait of the militant tactician, the most hardened conspirator, is not fully drawn in exoteric literature, and that even among party members his image is often unclear. In addition to this content analysis, the authors present extensive material derived from interviews with former communists, in the United States, Britain, France, and Italy. The presentation and interpretation of this material constitute the bulk of the work. The warning which Professor Almond himself gives, that this material must be handled with caution, is a serious one. It is not only the bias of the ex-communist, to which the author refers, which should induce caution. There is also the possibility that ex-communists are, in many cases, persons whose defection was, from the time of joining, implicit, though not foreknown, and that they are therefore atypical.

The insights that can be had from a perusal of Professor Almond's findings are considerable. I mention a few. Of all respondents, 37 percent had no formal theoretical indoctrination, and another 31 percent were self-taught during their membership period (p. 111); thus it was possible not only to join the communist party in naive ignorance of its "Stalinism," but even to remain and to leave with little more appreciation of its theoretical frame. Over half of the respondents—58 percent—"saw the party at the time of joining as a way of solving personal problems or attaining personal ends" (p. 103).

Only in Britain did a majority find that friendship in the party was much like friendship elsewhere; the large majority of the others thought it quite different indeed (p. 123). The popular antithesis of communism and Christianity seems not to be significant in the process of reconversion of these respondents: only 6 percent of them had been converted or had returned to religion at the time of the interview, while 41 percent had turned politically to the moderate left (p. 357). It is possible that the pattern of the authors of *The God That Failed* is more nearly typical than that of Chambers or Budenz.

Even more interesting than these charts are the very human insights that come from many of the interviews. There are incidents that are sickening, like the case of the party worker who took the morning off to "resolve his sex life" (p. 154). There are others that are pathetic, like the story of an individual who joined when they put back the furniture of a widow who had been evicted (p. 101), or the remark of the former communist who could pass beggars in the street while in the party, but not later (p. 122). There are still others that are inspiring, like the story of an Italian communist who left because his father, a plant manager, showed more courage and dignity than the communist pickets who attacked him (p. 308).

If the authors, presenting this highly suggestive material with sensitivity, can come to the conclusion that the treatment of the communist problem by congressional investigating committees "can hardly be confused with responsible political leadership" (p. 381), they are entitled to a hearing. A body of knowledge is presented which, however tentative, is worthy of influencing legislation and public policy.

I do not retreat at all from these statements in urging one caution. What I refer to is not the occasionally uneasy feeling that some generalizations go beyond justifiable inferences from the material. I am questioning whether the book is not limited by its own conceptual frame. Professor Almond's preface calls attention to the fact that the methods he and his collaborators employ are not substitutes for "historical or institutional methods" or for "ethical and logical appraisals" (p. xiv), but maintains that the interpretations have been influenced by "historical knowledge and philosophical insights." The difficulty is that some of these insights, like the association of freedom and "pluralism" (pp. 3-4), are highly questionable.

Such doubtful interpretations are particularly evident in the discussion of "neurotic susceptibility" in Chapter 10 and part of Chapter 9. In making this criticism I am aware that I am a layman discussing what is for the psychologist a technical term. I am questioning not its

clinical value but its concrete political use. The conclusion, derived from interviews and from supplementary material from the psychoanalysis of other ex-communists, and again treated with the work's customary caution, is in part that the communist party is a "community for outcasts" (p. 279). That is certainly an intelligent conclusion, and tends to supplement the essay of Kurt Riezler showing the role of the outcast in the Nazi movement. Valid or not, however, it does not remove the question of the doubtful interpretation of case studies.

Some of the incidents described in these studies seem to the layman hardly neurotic at all—like that of the girl who never went out with anyone but "rushed home to play the piano" (p. 274), or that of the Neapolitan boy whose hostility to his father stemmed from seeing him "among the first" in a fascist parade in which a workman was beaten up (p. 262). But even if each case, taken as a whole, does suggest neurotic susceptibility, do the authors not link the unlinkable? Is there not something wrong with categories which tend to identify the hostility of the young anti-fascist with that of other communists, whose parents may have quarreled but did not help to beat up workmen? Is there not something wrong with a method which reaches the conclusion that high-echelon communists, who certainly are more likely to be really conspiratorial than lower-echelon communists, are less likely to be "deviant" or to have "neurotic needs" (pp. 255-56)? Whatever its clinical value, I question the use, for political science, of a method that could equally be used to classify the members of the German resistance movement, converts to the Presbyterian church, or voters who "switched to Stevenson," without continuously underlining the tentative character of that method. We may sympathize with and we may share the desire for adjustment, but it is no substitute for the search for justice. For that reason, all other considerations apart, the psychoanalytic interpretation of communism may be open to some of the same objections as a communist interpretation of psychoanalysis.

Perhaps it is unfair to dwell so much on the one part of this admirable work with which I am in disagreement. The ultimate treatment of the appeals of communism must include a bold confrontation of the conceptualism of our social science and the prejudices of our society. It is no derogation of Professor Almond and his collaborators to say that that is not their problem. Their contribution is clear and forthright.

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BOWIE, ROBERT R., and CARL J. FRIEDRICH, Directors and Editors. *Studies in Federalism*. Boston: Little, Brown. 1954. xliv & 888 pp. \$15.

The *Studies in Federalism*, which now appear in a one-volume English edition, were originally published in a seven-volume French edition during 1953, by the Brussels Headquarters of the Mouvement Européen. The studies had been prepared at the request of the latter's Comité pour la Constitution Européenne for the use of the Ad Hoc Assembly which drew up the "Draft Treaty Embodying the Statute of the European Community."

The volume, prefaced by an Introduction in which Professor Carl J. Friedrich of Harvard University discusses in a critical manner the development of the draft constitution for a European (Political) Community, consists of numerous comparative studies of the constitutions of Australia, Canada, Germany, Switzerland, the United States, and occasionally those of other federal and quasi-federal states, some sixteen studies in all. In addition to topics like the "Federal Legislature," the "Federal Executive," the "Federal Judiciary," "Defense," "Foreign Affairs," and "Amendment to the Constitution," there are studies on "Agriculture," "Labor and Social Security," "Defense of the Constitutional Order," "Admission of New States, Territorial Adjustments, Secession," and so forth. Matters that have barely been touched upon in other books on federalism, such as K. C. Wheare's *Federal Government* and similar works, are discussed in detail in this volume.

At the end of each study of federal government as it works in the countries under discussion, there is a Conclusion in which the problems of a Western European federal government are considered in the light of the experience of federalist practice. It is interesting to read, for example, what Professor Friedrich says about the European (Political) Community plan: "Not only are the functions envisaged rather narrow, but there is a lack of simplicity, clarity and effectiveness in the institutions proposed" (p. xlvi). The same might well have been said of the now defunct European Defense Community. Far too many of the plans proposed since the end of World War II for the closer integration of Western Europe have suffered from being over-complicated. This has made for a lack of clear understanding concerning their aims and functioning (sometimes even among the experts), and has made them largely incomprehensible to the man in the street.

As a comprehensive reference work containing in a comparative

presentation the provisions of the constitutions of federal states, *Studies in Federalism* is invaluable. It gives not only the text of the constitutional provisions, but also a historical discussion of the practice. It must be added, however, that several faults detract from the value of this volume.

First, it seems to this reviewer that the emphasis of the studies is often unsatisfactory. The editors give almost as much space to a discussion of the problem of "Agriculture" as to that of "Foreign Affairs," though the latter is far more important. Questions like the treatymaking power in federal states are treated much too briefly in relation to the very considerable practical importance that attaches to them.

Second, the volume contains far too few footnotes on the sources for the statements made, and it is consequently difficult to check some of the facts that are presented. This dearth of footnotes in such a truly comprehensive study is regrettable. To be sure, much of the discussion in the text is about constitutional provisions; nevertheless, the discussions of constitutional practice would have benefited from better documentation.

Third, too many factual errors have crept into the text. For example, the population of Luxembourg is given (p. xxx) as 70,000, whereas it is actually some 300,000. Also many of the statistics contradict one another. It is stated (p. 729) that the Northern Territory of Australia "had an estimated population of . . . 15,500 whites in 1951 and some 13,960 full-blood and half-caste aborigines in 1950," but subsequently (p. 761) the Northern Territory is said to have "a population of 11,000." Similarly, Professor Friedrich (p. xxxv) states that France, Germany, and Italy are to be given thirty senators each in the Senate (Upper House) of the proposed European (Political) Community, while in the text of the "Draft Treaty," which is contained in the Appendix, the number of senators for these countries is given as twenty-one each (p. 831).

In spite of its shortcomings, however, *Studies in Federalism* is a most useful research tool for anyone interested in the structure and working of federal government, both in the United States and abroad. At a time when international federation is a much-discussed topic, particularly in Western Europe, this volume contributes a great deal by filling some of the gaps in our knowledge of federalism from the all-important comparative viewpoint.

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HANDLIN, OSCAR. *The American People in the Twentieth Century*. Cambridge: Harvard University Press. 1954. x & 244 pp. \$3.75.

The studies with which Mr. Handlin began his vocation as an historian of the American people reached a certain climax in *The Uprooted*, that reasoned and moving review of the travail and ambiguous triumph of the generations of immigrants in their struggle for survival amid the perplexities and challenges of "Americanization." That book was rightly awarded a Pulitzer Prize. The present one is in many ways a sequel to it, not less lucid, or less gracefully written, but in no way with such a grip on the reader's attention. I don't mean that after *The Uprooted* it is an anticlimax. Rather, I feel in it a certain leveling-off of Mr. Handlin's responses to his material, together with a sharper definition of the postulates which bring it to configuration as history.

Although, in the world of histories, this book is short, and more a skyline than a dimensional depth-study, it places its author among the more insightful and imaginative as well as methodologically reliable American historians. The data he impatters are by no means new; the records of the half-hundred years, more or less, that he scans have been quite easily available, in all their amplitude of aggregated details, and historians have regularly chosen from them, according to their passions and desires, and arranged them so far as they were able, according to the recognized canons of craft. But none—not Charles Beard, or Vernon Parrington, or Ralph Gabriel, or Merle Curti—has chosen to study the great migrations of peoples as cultural formations, to and within the United States, to discern their impacts on one another and the impacts' consequences to the national economy, cultural and spiritual, in the context of what Theodore Parker called the American Idea and Truslow Adams demoted into the American Dream.

Mr. Handlin brings out something of the *how* of the configuration of the globe's miscellany of mankind into the citizenry of the United States, via the economic and religio-cultural struggles of all with all, especially the *how* of the warfare against Negroes, Latin Americans, and Asians, as all were learning to live with "native" and "100% Americans" and with one another through two global wars and one global depression, and to become at last "Americans all." Their "Americanization," which had developed as a suppression of their diverse ethno-cultural heritages, emerged as an acquiescence in it and an honoring of it. Its unconscious phases were signalized by conscious instruction in the public schools, by public rites and ceremonies such as the induction of new citizens and "I Am An American Day." "The

ranks that turned out on 'I Am An American Day,'" Mr. Handlin remarks, "marched behind varied banners that symbolized their separateness"; but he might, indeed he should, have added, "even as their marching with one another symbolized their togetherness, the free interchange and teamwork of their differences."

His conclusions do, in truth, bring to the fore this quality of their configuration and its necessity. "At mid-century such groups were more significant than ever. The United States, like the rest of the world, then confronted the safeguarding of the individual against the overwhelming power of the state. The techniques of control had become so effective and the limits of its function so wide, that government, massive and impersonal, was in the position to curb the individual by its demand for unwavering obedience, total loyalty and absolute uniformity. Only through the action of non-political, voluntary associations could men check the state's power without directly opposing it. As long as men are free to act, they cannot be reduced to the blankness of the subjects of totalitarian regimes. Such associations in many nations, including the United States, were called into being by regional, professional, cultural and occupational differences. But in America, they were as well the products of ethnic diversities, reaching across the generations from the past, and adding richness and strength to its democratic way of life."

The vision thus expressed signalizes a new turn in the writing of American history, a new set of organizing postulates, and the premises of a philosophy of American history which is as old as the nation, but has hitherto figured little or not at all in the thinking of the nation's representative historians. In no small degree, its recovery and employment are, as Mr. Handlin indicates, a response in a free society to the ominous challenge of a global totalitarianism, a response evidenced over recent years in the necessitated expressions of officials of the State Department, of such philosophic writers as the author of *The Meeting of the East and West*, and the like. But it is also, and essentially, the generating postulate of the American Idea as such. Its cooperatively competitive addition to the organizing concepts hitherto used by historians in choosing, ordering, and interpreting the residues of the past from which they presently construct history for the future to read, is pretty sure to render such history more expressive of the actual causes of ongoing personal lives and social sequences than most history ever succeeds in becoming.

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